973.2
D 775
V.1

E188 .D69 1889
vol.1
Doyle, John Andrew,
1844-1907.
English [colonies] in
America ...

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

E1
vo
Do
18
En
Am

ENGLISH COLONIES IN AMERICA

ENGLISH COLONIES IN AMERICA

VIRGINIA, MARYLAND, AND THE CAROLINAS

BY

J. A. DOYLE

FELLOW OF ALL SOULS COLLEGE, OXFORD

'The immense variety of history makes it very possible for different persons to study it with different objects. . . . But the great object, as I cannot but think, is that which most nearly touches the inner life of civilized man—namely the vicissitudes of institutions, social, political, and religious.'

DR. ARNOLD, *Lectures on History.*

NEW YORK

HENRY HOLT AND COMPANY

1889.

DOMINICAN COLLEGE LIBRARY SAN RAFAEL

973.2
D 775
V. 1

43634

PREFACE.

THIS volume, while forming a distinct work in itself, is intended as an installment towards a complete history of the English Colonies in North America during their period of dependence on the mother country. I hope in the next volume to deal with the New England Colonies down to the end of the seventeenth century. I have chosen that epoch as a convenient halting-place both in the case of New England and of the colonies whose history forms the subject of the present volume, because it marks a distinct break in the administrative system adopted towards the colonies and in their relations to the English government. Moreover, the history of the individual colonies from the beginning of the eighteenth century down to the separation from England, has not the same interest which attached to it at an earlier stage, and thus the different settlements may in a great measure be dealt with collectively. A third volume will include the remaining colonies and the history of the whole group from the beginning of the eighteenth century down to the period of separation.

The subject is one on which I have already written, and I have in some measure incorporated with this book the substance of two smaller works of my own.

I have, I think, in my notes sufficiently indicated the nature of my material and the sources from which it is obtained. I must not omit to acknowledge the unfailing kindness and courtesy which I have received from the officials in the Public Record Office, and, above all, the invaluable and ever-ready help given to me by Mr. Noel Sainsbury.

ALL SOULS' COLLEGE, OXFORD:
April 22, 1882.

CONTENTS.

CHAPTER I.

PAGE

INTRODUCTION 1

CHAPTER II.

THE UNITED STATES TERRITORY.

Unity of this territory 5
Differences of soil and climate 6
Difference between the Atlantic and Pacific coasts . . . 6
America shares in the general movement of mankind westward . 7
Relations between Northern and Southern America . . . 8

CHAPTER III.

THE NATIVES.

The name Indian 9
Earlier inhabitants 10
Two views of Indian character: each erroneous . . . 11
The Indians a united and homogeneous race 11
The Indian in war 12
Want of organization 13
Positive law and morality 14
Relations to the English. General summary 15

CHAPTER IV.

AMERICAN DISCOVERY DURING THE SIXTEENTH CENTURY.

Pre-Columbian voyages 18
Navigation and discovery before the fifteenth century . . 18
Opening of the great era of discovery 19
English navigation and commerce 20
Bristol and the West 22
The Cabots and their first patent 23
Their first voyage 24
Their second patent 25
Sebastian Cabot's second voyage 25
Patents of 1501 26

PAGE
Second patent 28
Voyages about 1500 28
Interval of inaction 29
Thorne's writings 29
Voyage of 1527 30
Hore's voyage 31
Progress of navigation 32
Distant voyages 33
Outburst of naval activity about 1550 35
Voyages to Guinea 36
Voyages to Russia 37
Death of Sebastian Cabot 38
Movement towards American discovery 39
Literature of navigation, ... 41
Spirit of enterprise in the West of England 41
Stukeley and his Florida scheme 42
Sir Humphrey Gilbert 43
Frobisher's voyages 45
Gilbert's patent 47
His first voyage 47
His second voyage 48
His death 51
Peckham's Discourse on Western Planting 52
Carlile's scheme 54
Voyage of Barlow and Amidas 56
Raleigh's first colony 59
Lane's explorations 63
Troubles with the Indians 65
Departure of the colonists 67
Grenville's voyage 69
Raleigh's second colony 69
White's return 71
Attempts to relieve the colony 72
Conclusion 73

CHAPTER V.

SPANISH AND FRENCH SETTLEMENTS IN AMERICA DURING THE SIXTEENTH CENTURY.

Prospects of colonization among the nations of Europe . . 75
Spain as a colonizing power 76
Ponce de Leon 77
Lucas de Ayllon 78
Pamphilo de Narvaez 78
Hernando de Soto 79
Lessons of De Soto's failure 81
France as a colonizing nation 82
De Lery's attempted settlement 84

PAGE
Verrazani 84
Cartier's first voyage 84
His second voyage 85
His third voyage 87
Roberval's settlement 88
The Huguenot settlement in Brazil 88
Ribault's voyage and settlement 90
The colony reinforced by Laudonnière 91
Hawkins's visit 93
Spanish designs 94
Pedro de Menendez 95
Treachery of the French court 95
Destruction of the French colony 96
Dominic de Gourgues 98

CHAPTER VI.

THE VIRGINIA COMPANY.

Increased need for emigration 101
Altered views of colonization 104
Mace's voyage 104
Gosnold's voyage 105
Richard Hakluyt 106
The voyages of 1603 107
Weymouth's voyage 108
Formation of the Virginia Company 108
Constitution of the Company 109
Character of the constitution 111
Preparations for a voyage 112
Captain John Smith 114
Landing of the settlers 116
Newport's explorations 117
Troubles with the Indians 118
Smith among the Indians 119
Further troubles at Jamestown 121
Newport's visit to Powhatan 121
Smith becomes President 122
Eagerness of the Company for immediate gain 124
Prospects of the colony in England 125
Change in the constitution of the Company 126
The voyage of 1609 128
Discovery of the Bermudas 130
State of the settlement in Virginia 130
Departure of Smith 131
Distress of the colony under Percy 132
Intended break-up of the colony 132
Arrival of Delaware 133
State of the colony under him 134
State of affairs in England 136

PAGE

Advice of Delaware and Gates 136
Sir Thomas Dale 137
The first Virginian code 138
State of the colony under Dale 141
The second charter 141
Capture of Pocahontas 142
Her marriage 144
Peace with the Chickahominies 144
Hamor's visit to Powhatan 145
The French colonies 145
De la Roche's settlement 146
Champlain and De Monts 146
De Poutrincourt 147
The Jesuit colony 148
Its destruction by Argall 149
His attack on Port Royal 149
Discussion about Virginia in Parliament 150
The colony under Dale 151
Death of Dale 152
Pocahontas in England 152
Her death 153
Her companions 153
Yeardley acts as Governor 154
Argall appointed Deputy-Governor 155
Formation of a new party within the Company 156
The case of Brewster 157
Argall superseded by Yeardley, and Smith by Sandys . . . 157
The first Virginian Assembly 158
Its composition 159
Its proceedings 160
Increased energy on the part of the Company 162
Schemes for converting the savages 163
Divisions within the Company 164
Opposition from the court 165
Southampton elected Treasurer 165
Dispute with the king about tobacco 166
The colony described in Copland's sermon 167
The massacre 167
Spanish intrigues against the Company 170
Case of Butler 171
Case of Bargrave 172
Other influences injurious to the Company 172
Nicholas Ferrar 173
Factions in the Company 175
The Company brought before the Privy Council 176
Further attacks 176
Members imprisoned 177
Articles of indictment 177
Appointment of Commissioners 178

PAGE

The colonists support the Company 178
The Privy Council transfers the government of the colony to the crown 179
Attempt to bring the matter before Parliament . . . 180
The patent formally revoked 180
The Company's records 181
Conclusion 182

CHAPTER VII.

VIRGINIA UNDER ROYAL GOVERNMENT.

Change in the character of subject 185
Physical characteristics of Virginia 186
System of land tenure 187
Relations of the colony to the crown 188
Attempt to restore the Company 188
Distressed state of the colony 189
Improvement in its condition 190
Dealings with the Indians 191
Legislation about tobacco culture 192
Disputes between Governor Harvey and the settlers . . . 194
Insurrection against Harvey 197
Appointment of special Commissioners for the colonies . . 198
Further attempts to restore the Company 199
Agency of Sandys 200
Proceedings of the Assembly 200
General view of the condition of the colony 201
Territorial limits 203
Prosperity and contentment among the settlers . . . 203
Exportation of food 205
Modifications of the above view 205
Placemen 206
Sir Francis Wyatt, Governor 207
Sir William Berkeley 207
Another Indian massacre 209
Death of Opechancanough 210
Submission of his successor 210

CHAPTER VIII.

VIRGINIA UNDER THE COMMONWEALTH.

Colonial policy of the Commonwealth 212
Attitude of Virginia towards parties in England . . . 212
Absence of any religious contest 214
Independent congregations in Virginia 215
Distribution of power in the Virginian Constitution . . . 216
Comparison of the Virginian and English Constitutions . . 219
Position of the Virginian royalists 221
Dealings of Parliament with Virginia 221
Reduction of the colony 222

PAGE
Terms of surrender 222
Increased power of the Assembly 223
The Navigation Act 223
Dispute between the Governor and the Burgesses . . . 225
Decline of the Commonwealth 227
Berkeley appointed Governor 228

CHAPTER IX.

VIRGINIA AFTER THE RESTORATION.

Change of system 230
Fresh interest in colonization 231
Berkeley's instructions 231
Discontent and uneasiness among the settlers 232
Restrictions on commerce 233
Difficulties about tobacco 234
Attacks by the Dutch 235
Dispute about the forts 235
The hurricane 236
Berkeley's character 236
Want of political morality in the colony 237
The Long Assembly 237
The king's grant of Virginia 238
Grant to Arlington and Culpepper 239
Popular grievances 241
Relations with the Indians 241
Outbreak of hostilities 243
Nathaniel Bacon 245
A fresh Assembly elected 246
Its proceedings 246
Measures of reform 247
The insurrection 248
Bacon's success 248
Berkeley retires to Accomac 249
Bacon organizes his party 249
His project of independence 250
Berkeley's successes 251
Burning of Jamestown 252
Death of Bacon 252
Overthrow of the insurgents 253
Attitude of the Assembly 254
Commissioners sent out from England 255
Their proceedings 256
Berkeley's death 257
Report of the Commissioners 257
Peace with the Indians 257
Further discontent 258
Lord Culpepper appointed Governor 259

PAGE
His character 259
His instructions 259
His report 260
The tobacco-cutting riot 261
Culpepper's administration and its difficulties 262
Lord Howard becomes Governor 263
His instructions 264
His career as Governor 264
The revolution in Virginia 265
Lieutenant-Governor Nicholson 266
The church in Virginia 268
James Blair 269
Proposals for a college 271
Sir Edmund Andros becomes Governor 272
Foundation and history of the college 273

CHAPTER X.

THE FOUNDATION OF MARYLAND.

Contrast between Virginia and Maryland 275
The Proprietary system 276
Sir George Calvert 277
His attempts at colonization 277
His conflict with the Virginians 279
The grant of Maryland 281
Character of the charter 281
Opposition to the grant 282
The first settlement 283
Its religious character 283
The voyage 284
Establishment of the colony 284
The first Assembly 285
System of land tenure 285
Extension of the colony 286
Constitution of Maryland 286
Primary Assembly 286
System of proxies 288
Assembly of 1638 288
Assembly of 1639 289
Gradual establishment of representation 290
Dispute with Virginia 291
Hostilities between the two colonies 292
Action of the crown 293
Success of Maryland 294
Difficulties with the Isle of Kent 294
Claybornes new scheme 295
Legislative system 296
Penal code 297

PAGE

Laws about religion 297
Judicial system 298
General character of the laws 298
Condition of industry 299
Natural resources 300
Relations with the Indians 301
War with them 301
Outbreak of civil war 302
Baltimore conciliates the Puritans 303
Immigration of Puritans into the colony 304
Disputes in the Assembly 304
Law concerning religion 305
Surrender of the colony to the Parliamentary Commissioners . . 305
Troubles with the Nanticock Indians 306
Stone's attempt at a counter-revolution 307
Resumption of authority by the Commissioners 308
Outbreak of hostilites 309
Fendall's intrigues 310
Baltimore's petition 310
Proceedings in England concerning Maryland 311
Agreement between Baltimore and the Commissioners . . . 312
Dispute between the Proprietor and the Assembly 313

CHAPTER XI.

THE REVOLUTION IN MARYLAND.

State of the colony after the Restoration 314
State of religious parties 315
Other elements of dissension 317
Murder of Rousby 317
A revolution threatened 319
Outbreak of hostilities 319
Proceedings of the victorious party 320
Baltimore deprived of his Proprietorship 321
Disputes as to the Proprietor's revenue 323
Establishment of the Royal authority 323
Nicholson as Governor 324
His reforms 324
Attacks upon him 325
Rumors of Jacobitism 325
The Church of England established in the colony 326
Restoration of the Proprietor 327

CHAPTER XII.

THE TWO CAROLINAS.

Fresh impulse towards colonization after the Restoration . . . 328
The grant of Carolina 329

PAGE

Reservation of popular rights 330
Sir Robert Heath's grant 330
Emigration from the other colonies 331
Various settlements within the territory of Carolina . . . 331
The first emigrants from Virginia 332
Government established by Berkeley 332
Further progress of the colony 333
Its history becomes obscure 334
The Fundamental Constitutions 335
Their general character 338
Later changes in the Fundamental Constitutions . . . 338
Last change in 1698 339
Actual legislation in North Carolina 339
Condition of the colony 340
Rebellion of 1678 340
Deposition of Sothel 343
Connection between North and South Carolina . . . 343
Rebellion of 1711 344
Troubles with the Indians 345
The Palatine settlement 346
Execution of Lawson 346
The Tuscarora War 347
Records of legislation in North Carolina 348
General condition of the colony 348
Extinction of the Proprietary government in North Carolina . 350
The settlement at Cape Fear 350
Sandford's voyage 351
Project of a southern colony 352
Industrial schemes of the Proprietors 353
The early years of the colony 355
State of the colony under West 356
Settlers from various countries 357
Scotch settlers at Port Royal 358
The colony invaded by the Spaniards 358
Enslavement of the Indians by the planters 359
Activity of Shaftesbury 361
Dissensions between the Proprietors and the colonists . . 361
Right of self-taxation 362
Rebellion against Colleton 362
Ludwell appointed Governor 364
Archdale as Governor 364
The High Church party 365
First invasion of Florida 366
Sir Nathaniel Johnson, Governor 368
Second invasion of Florida 368
Siege of Charlestown 368
Attempts to enforce conformity 369
The Conformity Bill vetoed by the crown 371
The Church Establishment Act 372

PAGE

Charles Craven, Governor 372
General state of the colony 372
The Yamassee War 373
Poverty of the colony 375
Political disputes between the settlers and the Proprietor . . 376
Attack upon Trott 377
An agent sent to England 377
An association formed against the Proprietors . . . 377
Overthrow of the Proprietary government 379
General character of this revolution 380

CHAPTER XIII.

THE SOCIAL AND ECONOMICAL LIFE OF THE SOUTHERN COLONIES.

Uniform character of the Southern colonies 381
Early forms of slavery 382
Kidnapping 383
Establishment of negro slavery 385
Moral feeling about slavery 389
Legislation about slavery 389
Religious status of the negro 391
General influence of slavery 391
Development of an aristocracy 391
Social life of the Southern colonies 392
Want of coinage 392
Want of education 394
Compensatory advantages of slavery 394
Aristocratic feeling 395
Peculiarities of South Carolina 395

APPENDICES.

Appendix A.—The name Indian 397
B.—Hereditary succession among the Indians . . 398
C.—The Cabots and their voyages 399
D.—The Contractation House at Seville . . . 407
E.—Captain John Smith 407

INDEX 413

THE ENGLISH IN AMERICA.

CHAPTER I.

INTRODUCTION.

The aim of this book is to describe and explain the process by which a few scattered colonies along the Atlantic sea-board grew into that vast confederate republic, the United States of America. This subject offers little that can strictly be called new or untrodden ground, and it may seem that no valid excuse can be given for entering on it afresh. Each colony has had its own historian; the collective history of the whole confederation has more than once been told. Yet I venture to think that in such a field there is room for many laborers. So vast is the subject, so numerous are its aspects, so many and varied are the points of view from which it may be regarded, that each student may dare to hope that he can throw some fresh light on the matter. Some may be most impressed by the romance of early colonial history, with its struggles against the designs of bloodthirsty men and the hardships of the wilderness. Others may be drawn by special sympathy and admiration towards those steadfast men who, with unwearied patience and stern disregard for their own temporal happiness and for that of others, strove to build up a religious commonwealth, freed from what they deemed the corruptions of the Old World. Though I have necessarily touched on both these subjects, neither of them forms the staple of my work. I have preferred to regard the history of the United States as the transplantation of English ideas and institutions to a distant soil, and the adaptation of them to new wants and altered modes of life. That history differs in one important point from that of any other

nation of equal greatness. So far as the American colonies form communities separate from the mother country, we can trace their life and institutions from the very fountain-head. In their case we can see those stages of growth going on under our very eyes which elsewhere can only be traced out imperfectly and obscurely. It is true that this statement needs one important modification. The history of the American colonies is in one sense nothing more than a continuation of English history. In it we see a certain section, or rather certain sections, of English society transplanted to a foreign soil, withdrawn from many of the influences which determined the development of the nation at home, and exposed to many new and peculiar conditions. But we must never forget that an English colony of the seventeenth century was not, like a Greek colony, a ready-made commonwealth with all its social and political institutions moulded for it before it sailed from its native shore. The American colonies were at the outset small communities of Englishmen practically free to shape their own institutions and mode of life within certain wide and elastic limits. The colonies did indeed one and all form for themselves institutions closely resembling those of the mother country. But these institutions were developed, not transplanted or servilely copied. That process of development will form the main subject of this book. The interest attaching to this inquiry is twofold. The early history of the American colonies is all-important as an introduction to the history of the Federal Republic. It is also of great value as illustrating those principles which govern the origin and growth of political institutions. From the first point of view its interest is obvious. No one can be insensible to the charm which surrounds the cradle of a great nation. The other side of the question has an interest less evident, but not less real. To watch the growth of a constitution in the broad light of day is a privilege seldom granted to the student of history. He can indeed study the manufacture of constitutions in plenty. But that far more instructive process by which a young and vigorous community frames, almost unconsciously, institutions suited to its growing wants has generally to be spelled out with toil and difficulty, and is often even at last but imperfectly understood. In the case of the American colonies we see the process going on around us in full activity under varying social and economical influences.

It may seem to some that when I took this view of my subject

I might have abstained from cumbering my pages with topics that do not directly bear on the main issue, and that I might have strictly confined myself to the constitutional development of the several States. To this I would answer that institutions can be but imperfectly understood when detached from the daily life and the individual characters of the men who mould them, and from those external conditions by which their action is controlled and modified. Constitutional history is but an aspect of national life, and we cannot justly comprehend a part unless we have before us at least an outline of the whole. The same defense may, I think, be urged for what may be called the outlying parts of my subject. The habits, temper, and tribal organization of the savages had no small share in determining the social life and political development of the colonists, and their relations to the mother country. The efforts of the sixteenth century, the settlements of Gilbert and Raleigh, even the abortive efforts of Hore and Frobisher, were a distinct step in the slow and painful process by which England peopled the shores of North America. Familiar they may be, yet if the reader is to go along with the historian, and to enter into his views with sympathetic comprehension, he must see the whole subject in that light in which it presents itself to the writer. No doubt it is difficult to adopt such a method, and wholly to avoid discursive writing and irrelevant detail. Yet a different method would have its own dangers, nor can the historian expect to avoid those difficulties which beset every form of literary composition.

Something, perhaps, might here be said as to the arrangement adopted in this work. The several colonies are treated as separate and distinct down to a period when the similarity of their relations to the mother country, and the identity of their interests allow them to be dealt with collectively. Any attempt to combine the history of the various colonies from the outset into one connected narrative would have involved such frequent and rapid transitions as must have completely broken the sequence of events and marred their significance. Yet there are numerous points of contact, and these necessarily involve some violation of the prescribed method. In dealing with any episode which concerns two separate colonies, I have judged it best to apportion it to that one on whose fortunes it had the most direct influence. Thus, for example, the boundary disputes between Virginia and Maryland were matters of minor importance to the former colony.

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

They sink into insignificance beside the struggles and downfall of the Virginia Company, the early constitutional development of the colony, and the bloody feuds with the savages. On the other hand, these disputes are inseparably blended with the constitutional history and the internal development of Maryland. Yet such a test sometimes fails, and there are instances where the selection must be almost arbitrary. In such cases a writer cannot hope that his decision will be universally considered the best. It must be enough if his arrangement be not distinctly and obviously ill-chosen.

I should, perhaps, here say a word as to the principle by which I have been guided in giving references. I have endeavored, as far as may be, to show the reader the process by which the book has been built up step by step. In a work of this length there will probably not be a single careful reader who will invariably put the same construction on evidence as I have done. I have endeavored, as far as may be, to give the materials, from which my readers may form an independent judgment, whether in approval or condemnation of my own verdict.

CHAPTER II.

THE UNITED STATES TERRITORY.

Unity of the United States territory.

It will be most convenient to deal with the internal geography of the United States territory at a later stage of this work. The productive resources of the various regions, their peculiarities of climate, and their facilities for water or land carriage, have exercised an important influence on the development of the several States, and form so large a part of their history that they may most fitly be considered in connection with each separately. At the same time, the territory of the United States admits of being viewed as a whole, in relation both to the rest of the American continent and to the Old World. The tract bounded by the Atlantic on the east, the St. Lawrence and the Canadian lakes on the north, and the furthest limits of the Ohio and Mississippi valleys on the west and south, seems marked out by nature as the home of a great nation. These boundaries have indeed proved too narrow for the growing spirit of the Western Republic. Yet in one sense they form a natural limit. If the United States territory had never expanded beyond them it might have been looked upon as complete and homogeneous; it could hardly have been so had it stopped short of them. Nature has endowed this region with all the physical conditions requisite for unity. Its most distant parts are bound together by great waterways, and it has within itself all the resources needful for national prosperity. Till the Rocky Mountains are reached there are no isolated territories, no hill-girt valleys fitted to become the homes of independent States. Another feature which goes far to make national unity indispensable to the prosperity of North America, is the peculiar position of the Mississippi. That river forms a great national highway, connecting the North-West with the South. As the

tide of migration rolls on from the coast-line westward, so does the possession of the lower Mississippi become more and more essential to the well-being of the North.

Differences of soil and climate.

At the same time we must not overlook the fact that within the territory thus united by natural formation and community of resources there are wide diversities. In the North we have a soil suited to, and indeed requiring free labor, and a climate subject neither to enervating heat nor depressing cold. In such a land subsistence must be won from the reluctant earth by willing and intelligent husbandry, and prosperity of a high order can only be attained when that husbandry is supplemented by the skill of the craftsman and the merchant. In the South, on the other hand, we have physical conditions which at once narrow man's wants, and lessen the toil whereby they are supplied; a climate which enables him to support life on a little vegetable food, scantily clad and slightly housed, and a soil which satisfies these simple needs almost without labor. In the North, then, we have an appointed home for free and progressive communities; in the South political liberty could never be the lot of the masses, and such measure of it as existed was enforced from without, or inherited from other countries.

There is, however, no sharp line which divides the zone of freedom from the zone of slavery; they pass into one another by easy and gradual transitions, and thus it becomes possible for two widely different extremities to be held together as constituent members of one great commonwealth.

Not less important is the coincidence of this gradual change in temperature with the line of the Atlantic sea-board. If it had been otherwise, if the coast-line of America had run east and west, there would probably have been a series of communities each with its own sea-board, and possessing in miniature those varied forms of industry and production which now separate the different States one from another. Instead of that, each of the regions successively colonized was marked off by special peculiarities of soil and climate, and was thus enabled to develop a commerce of its own, and to attain a degree of independence and distinctness otherwise beyond its reach.

Difference between the Atlantic and Pacific coasts.

There is another peculiarity of Northern America which cannot fail to strike even a careless observer. The natural approach to it is from the east. From the Pacific Ocean North America is comparatively inaccessible. This peculiarity, indeed, belongs to the whole continent. Nearly

all the navigable rivers of America flow eastward The Atlantic sea-board abounds with harbors, with islands, with convenient spots for the establishment of commercial factories or outposts to serve as a basis for future settlements. The west coast offers no such facilities. Moreover, it is noteworthy that the one point at which the two coast-lines are within easy reach of one another, the Isthmus of Panama, lends itself far more readily as a pathway for a westward than for an eastward immigration. The Isthmus is within easy reach of the West India Islands, and to settlers using them as a basis it forms a ready approach to the Pacific. Immigrants coming from the west would, on the other hand, have no better station than the arid, barren, and unwholesome coast on the west side of the Isthmus. Nor should it be forgotten that America is separated from Eastern Asia by double the extent of sea which divides it from the west coast of Europe. This view does not conflict with any theory as to early migrations from Asia to America. There is nothing in the nature of the Pacific coast to make it impossible that small bands of settlers, either driven by storm or in deliberate quest of a new country might land there, and might even in time become the founders of such empires as those of Mexico and Peru. Such a case is wholly different from that of colonists settling in a distant country, and at the same time keeping up a certain political connection with the home which they had left. To such colonists, the eastern coast of America offers every facility; the western is practically almost inaccessible.

America shares in the general movement of mankind westward.

By these physical conditions America has been involved in that system of movement which has hitherto governed the migrations of the Old World. Ever since our Aryan forefathers quitted the cradle of their race in Central Asia, and went forth to find new homes in Europe, the stream of movement has run westward. The position of America, and the conformation and character of the coast, have given it a share in this movement; and we may look on that westward migration, still incomplete, as one which embraces alike the Old and the New Worlds.

The parallel does not end there. Across the great westward movement of the Old World there has always been a subordinate and lateral movement from north to south. That, too, may in a certain sense be said to find its counterpart in America. We have already seen how there, as in the Old World, the N[illegible]

seems marked out by nature as the home of political freedom and vigorous national growth. In America, indeed, the course of conquest has never moved directly southward. The nearest approach to such a movement was when the Northern States were impelled by their economical and political needs, and enabled by their superior resources to force upon their Southern neighbors a mode of life resembling their own and different from that engendered by the natural conditions of the country. This, however, is not in itself a strong illustration of the tendency of political and territorial conquest to move southward, and with this one exception, the impulse which threw the hordes of the North upon the southern regions of Europe has found no exact parallel in America. But the law has been at work, albeit its operation has been chiefly negative. Instead of impelling the inhabitants of the North southwards, it has served to keep the southern races within their own limits. If danger ever threatened the English colonies in America, it was always from their northern and western frontiers. The settlers more than once knew the horrors of invasion at the hands of the French and their savage allies. From Spain they had so little to fear that we have well-nigh forgotten how formidable a neighbor she once appeared. That the South American colonies of Spain, the deliberate undertakings of a great nation, should, even with the start of more than half a century, have been completely outrun in the race of national greatness by the descendants of a few poor, straggling, and uncared-for settlers, is a phenomenon so familiar to us that we have forgotten its strangeness. Yet it is a striking illustration of those natural laws which have decided the relative destinies of northern and southern Europe.

Relations between Northern and Southern America.

CHAPTER III.

THE NATIVES.[1]

The historian of the United States is, happily for himself, under no obligation to grapple with the many disputed and perplexing issues which surround the origin of the so-called Red Indians. For his purposes it is enough to consider them as they were when the first English settlers met them, and to know so much of their habits, temper, and political organization as will throw light on the relations between the two races. It is scarcely needful to say that the name Indian is one of those deeply-rooted memorials of a learned error which often fix their hold inseparably on our common speech. To the first navigators of the Atlantic, to Columbus and his immediate followers, all lands beyond Europe were the Indies, and America was but the extreme eastern boundary of that mysterious territory which either included or coincided with Cathay. This error has left its traces alike in the names of the East and West Indies, and in the term Indian applied with modifying epithets alike to the inhabitants of the northern and southern regions of America. Clumsy as the term "Red Indian" is, it has established itself too firmly to be dislodged, and it is not easy to supply its place with

The name "Indian."

[1] The authorities on whom I have I chiefly relied in this chapter are:

Schoolcraft's *Indian Tribes of North America.* Published by Authority of Congress, 1847 Colden's *History of the Five Nations*, London, 1747. Catlin's *Letters and Notes on the North American Indians*, London, 1841. There is also some valuable information to be found in Beverley's *History of Virginia.* My references are to the second edition published in 1722.

Mr. Schoolcraft's work consists of a collection of reports and essays, most of them written by men who had acted as interpreters or agents for the United States Government. Some of these reports, especially those by Mr. Philander Prescott, show great power of observation and habits of minute and conscientious inquiry. Cadwallader Colden was for some years Governor of the Colony of New York, and had good opportunities of studying the political and social usages of the Iroquois. Catlin spent many years among the Indians as a portrait painter, and shared in their pursuits and manner of life.

a comprehensive name for the mass of savage tribes between the Rocky Mountains and the Atlantic.[1]

Whatever may have been the earlier movements of the Red Indians, we may consider them at the period when they first meet us as past the migratory stage, and definitely settled, each tribe on its own territory, subject only to such changes as war or natural causes may always bring about with any half-civilized race. Antiquarians have discovered undoubted traces of earlier inhabitants in at least a portion of the territory afterwards occupied by the Indians. But whatever earlier civilization may have existed was utterly and completely blotted out, and has left, as far as we can see, no mark on the condition of those who followed. There are not even such faint traces as the Welsh bondsman has left on the speech and daily life of his Teutonic conqueror. Nowhere do we find any clear proof that a servile race existed. Slavery, indeed, is not unknown, but it may be easily explained as the occasional consequence of war.[2] Usually, however, the captive, if preserved alive, became not a slave but an adopted member of the capturing tribe.[3]

Earlier inhabitants.

The influence of the Indians on the English colonies was twofold. The settler had to deal with them as neighbors, sometimes as friends, sometimes as possible converts to the fold of Christianity, and he had also to deal with them as enemies. But it was in the latter character that the influence of the savage was mainly felt. Commerce with the Indians was unimportant; the efforts of missionaries among them were but passing episodes in the history of the colonies. But as jealous and watchful enemies the savages were ever exercising an influence on the social and political life of the colonists, and even on the relations of the various settlements to one another and to the mother country. Hence a certain knowledge of the political organization of the Indian tribes, and of their method of fighting and capacity for war is demanded of us by the strict requirements of our subject.

Influence on the English settlers.

In dealing with the character of the Red Indian we are exposed to two opposite errors. Beyond all doubt the more dangerous of the two is the habit of taking the Indian, as most mod-

[1] For further remarks on the name *Indian*, see Appendix A.

[2] Beverley (p. 195) speaks of "people of a rank inferior to the commons, a sort of servants called Black boys." Colden (p. 16) says that there was no slavery among the Iroquois.—Cf. Schoolcraft, iv. 53.

[3] Colden (p. 5): we shall meet with several instances of white prisoners being naturalized

ern observers see him, for a fair type of his race. Sad as the admission is, none can deny that every step which has brought the Indian into closer relations with the white man has led him a stage further on his downward course from savage virtue to a state in which the vices of barbarism and civilization are blended. The self-interest and the self-indulgence of the white man have worked to a common end. His example would have been enough to undermine the continence and self-restraint of the savage, even if the corrupter had not found that such a change was for his own advantage. The Indian has lost his hereditary virtues; his hereditary vices have been quickened and strengthened. His dealings with the white man have sharpened his spirit of revenge, his merciless cruelty and treachery towards foes. Sadder still, he has learned that loyalty to his friends, fidelity to his plighted word, all the boasted virtues of his forefathers, are but snares for his own destruction. The process of corruption has been inevitable and fearfully rapid. Between the drunken, incontinent, knavish Indian of the frontier, and the followers of Powhatan and Philip, there is as little in common as between a costermonger's drudge and the wild ass used to the wilderness that snuffeth up the wind at her pleasure. On the other hand, a generous reaction against the injustice of the dominant race, and a craving for that romance which the early history of the English settlers fails to supply, have led others to clothe the Indian with a dignity of character and a chivalrous nobility of sentiment, inconsistent alike with his circumstances and with all that is recorded of him. We may avoid both errors if we rely on the evidence of those who saw the Indian before he was corrupted by the neighborhood of the white race, and of those who in later times have followed him into regions where these debasing influences were still unfelt.

Two views of Indian character; each erroneous.

Whatever ethnology may hereafter teach us as to the origin of the Indians, their common descent, and the relation which they bear to the other inhabitants of the American continent, we may for the present regard them as a homogeneous body, clearly marked off from their neighbors both on the North and the South. They are definitely distinguished from the squalid inhabitants of the frost-bound regions of the North by their superiority, both in political organization and mechanical skill, and by greater attention to the comforts and decencies of life. They stand equally

The Indians a united and homogeneous race.

apart from the peaceful and effeminate nations of the Spanish islands and the adjacent coast. Their religion shows no affinity to the elaborate and sanguinary ritual of the Mexicans, and they have no share either in the stupendous material civilization or the political servitude of Peru. The unity of type, indeed, which pervades the whole mass of Red Indians admits a wide amount of diversity between the various tribes. But as in dealing with the physical character of the territory, so here it will be best to let these special points of difference rest, till we come to those scenes and incidents where a knowledge of them becomes needful. For the present we may regard the Indians as a single race with uniform customs and one pervading type of character.

The Indian in war.

It is in his military character that the Indian had most influence upon his civilized neighbors, and it is from this point of view, therefore, that we have mainly to deal with him. Brave, he undoubtedly was, but his strength did not lie mainly in his valor. He did not, like the Afghan, or the Scotch Highlander, trust to the effect of one headlong rush. On the contrary, he avoided rather than sought an engagement at close quarters. His strength lay in his power of concealment, his minute knowledge of the forest, his capacity for making long and toilsome marches without food. Nor was he wanting in those mechanical arts which supplement the skill of the warrior. His bow and tomahawk were craftily fashioned, and he readily learned the use of firearms. An Iroquois fort, with its triple palisade of wood, its galleries, and its rude machicolations was a work of no mean skill.[1]

Nor was the success of the Indian in the field left to the mere chances of individual temper and capacity. From his earliest days his whole training was devoted to perfecting him in the kindred arts of war and hunting. His toys were a bow and arrows. His first success in the chase, the capture of a squirrel, or a muskrat, was an event for rejoicing in the family, and was honored by a solemn feast.[2] The training of the young for war was a serious public affair. The Indian boy and his playmates, drawn up in two bands, mimicked under the eyes of their elders the incidents of a real battle.[3] The aptitude for organized movement thus begotten was further developed by the games of ball, in which village opposed village, and by public dances.

[1] Parkman's *Pioneers of France in the New World* (Boston, 1874), p. 189.
[2] Schoolcraft, ii. 50. [3] *Ib.* ii. 56.

These might more fitly be called pantomimes, in which the dresses worn, and the gestures used, varied with the nature of the occasion. In the scalp dance, in which a victorious war party celebrated its return, the performers appeared fully armed and painted, and went through the motions of an Indian fight.[1] In the buffalo dance, designed to propitiate the Great Spirit, and to bring a plentiful supply of game, the dancers wore masks with buffalo heads, and performed gestures in imitation of the animal.[2] In one tribe, the Mandans, the ceremony of initiating the young warrior into public life was accompanied by a performance representing the creation of the world, and the conflict of the good and evil spirits, in a manner which calls to mind a mediæval mystery play.[3]

The weak point of the Indian in war lay in the want, not of military drill, but of political organization and control. The war party itself was often sent out, not by the will or under the command of the chief, but under any self-constituted leader whose repute and popularity could attach to him a sufficient force, a voluntary *comitatus* of his tribesmen.[4] Moreover, the Indian's hatred for settled industry and his reckless improvidence rendered him incapable of a systematic and sustained effort in war. With all his manual skill and quick intelligence, he utterly despised agriculture. Squaws and hedgehogs, he said, might scratch the ground, man was made for war and the chase.[5] When his crop was reaped it was often wasted in a few days of reckless festivity.[6] Hence an Indian force had no supplies on which it could depend; and when warfare cut off the tribe from the forest and the stream, starvation followed.

Want of organization.

In other ways, too, the lack of self-control and of any steadfast purpose rendered the Indian's courage and physical strength useless. An Indian tribe was in some cases capable of sustained friendship or sustained enmity. As we shall see, the Iroquois confederacy maintained for more than a century a firm league with the English, while the Wyandots or Hurons were the allies of the French. But the idea of policy, of postponing present gain or revenge to some future good seems to have been wholly foreign to the Indian. In Virginia and New England alike the native tribes weakened one another by suicidal feuds, and

[1] Catlin, i. 245.
[2] Catlin, i. 127.
[3] *Ib.* i. 157.
[4] Schoolcraft, ii. 183, iv. 51.
[5] Report in *Massachusetts Historical Society Collection*, v. 20.
[6] Catlin, i. 188.

thus fell separately before a power whose force, if they had been united among themselves, they might have long defied.

As in war, so in every aspect of Indian life we find a want of positive authority and well-defined control. Of law, of a system of restraint, administered by the chiefs and enforced by a public police, we find no trace.[1] The council of the village or tribe settled the few simple affairs of the community, chiefly its wars. It seems seldom, if ever, to have been concerned with the prevention or punishment of crime. Nor was this want of a legal sanction supplemented by a religious one. The Indian had indeed an elaborate system of ceremonial, and he had also a well-defined religious creed, a belief in the existence of a single Divine Creator and Ruler, and also in an immense multitude of spiritual beings peopling the world about him.[2] But it was a faith which had no relation to morals. There might indeed be moments when the belief of the Indian in one overruling God asserted itself both as an article of faith and as a principle of conduct. But for the most part his good and evil actions were prompted by motives in which religion had no place. The Great Spirit may be the Creator, perhaps ultimately the Ruler of the world, but the lesser powers of nature are nearer and more formidable. To win and propitiate them is the main end of the Indian's religion—an end to be obtained not by moral actions, but by ceremonial observances. He must soothe with songs, dances, and flattering speeches the spirit of the bear whom his need has driven him to kill.[3] His wife must on a certain night cast off her clothes and make a complete circuit round his cornfield to avert blight and barrenness.[4] These and other such ceremonies are the duties imposed by the Indian's religion so far as it concerns itself with human duties. Yet we must not suppose that an Indian village was in a state of anarchy, or that order rested solely on that primitive system in which each

Positive law and morality.

[1] Mr. Prescott says on this subject, "The chiefs have but little power. If an Indian wishes to do mischief, the only way a chief can influence him is to give him something, or pay him to desist from his evil ways."—Schoolcraft, ii. 182. This refers to the Dacotahs. Major Swan, in a paper on the Creeks, written in 1791, says, "Every individual has so high an opinion of his own importance and independency, that it would be difficult if not impossible to impress upon the community at large the necessity of any social compact that should be binding upon it longer than common danger threatened them with the loss of their lands and hunting ranges."—*Ib.* v. 279. For some further remarks on the Indian system of chieftainship, see Appendix B

[2] The belief of the Indian in one overruling spirit, and also in the personal existence of the various powers of nature, is established by a wide consensus of opinion.

[3] Schoolcraft, iii. 230. [4] *Ib.* v. 70.

head of a household was in his own sphere both lawgiver and ruler. Even in modern civilized life we should err if we supposed that when the sanctions of law, religion, and positive morality were removed, absolute anarchy would ensue. Much would still be left. Men would still be swayed by the principles of action which we variously describe as fashion, sense of honor, public opinion, and custom. And among savages, in the absence of criminal law and of a fixed ethical code resting on a religious basis, the last two principles of action gather to themselves an importance and sanctity even greater than that which they possess among civilized men.[1] The complexity and flexibility of civilized life give more loopholes to the man who has broken the unwritten law of the community. He can change his abode, even his country. He has closed one career against him, but he can enter upon another. The Indian who had violated a recognized custom of the tribe became an outcast, a moral leper, for whom there was no escape. It is not hard to see the sort of character which such a system would engender. Be kind and faithful to your friends, be treacherous and merciless to your foes, was the sum and substance of Indian morality. To those who fell under neither category his attitude was that of a kindly and clever, but capricious and uncontrolled child. He welcomed the stranger, and readily gave with thoughtless liberality, and asked for gifts with equally thoughtless acquisitiveness. These early ties of hospitality might under favorable circumstances ripen into firm and loyal friendship. On the other hand, a single hasty act, a mere suspicion might convert the kindly host into a merciless foe.

Such were the people with whom the English settlers had to deal. They were savages undoubtedly, yet free from many of the more repulsive features of savage life. The barbarism of the Indian lay not in his incapacity for the arts of civilized life, but in his insensibility to their value. His skill in woodcraft, the delicate working and coloring of his moccasins and robe, show powers which, if rightly employed, would have enabled him to adopt many of the arts of civilized men. His political system, his powers of speech, the fanciful

Relations to the English. General summary.

[1] Catlin gives a remarkable instance of the force of public opinion. He wished to paint the portrait of an Indian dandy, a class not unknown to the savage world. He was told that such a proceeding would give great offense to the chiefs and warriors whom he had painted, as putting them on a level with one of a degraded and effeminate class, and that if he persisted, all his previous portraits must be destroyed. The painter gave way, and the disappointed sitter acquiesced in the rebuff.—Catlin, i. 113.

picturesqueness of his mythology, all show mental powers of no low stamp. But he was utterly without that which lies at the root of all material civilization—forethought. He never dreamed of postponing present enjoyment to future good. His abundance of land was a snare to him. His hunting-grounds were practically unlimited, and his occasional seasons of want were soon forgotten in the plenty which succeeded them. Moreover, among a number of small and equally-balanced tribes, there was no chance of material civilization growing up under the shadow of warlike supremacy. The Iroquois do not really form any exception. They were but a loose confederacy, with little unity. None of its component tribes ever showed any tendency to overshadow the others, and to become the nucleus of a conquering state.

The influence which the Indians exercised on their English neighbors made itself felt in more ways than one. The Indian's power of resistance exercised a twofold influence on the settlers. It kept them free, at least in their earlier days, from the worst effects of contact with a weaker race. The first English settlers were saved from the vices of the warlike oppressor and the slaveholder. Fortunately, too, when those vices did appear, they were not united in their worst forms. The New Englander massacred Indians cruelly and treacherously, but with him negro slavery never became a settled form of industry. The Southern slaveholder was for the most part on good terms with his savage neighbors. Indeed, the presence of the Indians acted as some check on his dealings with the negro. He knew that the oppressed slave could find a refuge with those who might at any moment send the firebrand and the scalping-knife among the scattered and unguarded plantations. Moreover, the dread of the Indians kept back the English settlers from that process of dispersion to which the richness of the soil and the abundance of navigable rivers might have tempted them. Nor were they ever brought face to face with any great military power, and compelled either to conquer or abandon the country. The conquerors of Mexico and Peru were forced by necessity into accepting the tremendous responsibilities involved in the overthrow of a great empire. The English settlers, far less fit for such a task, were spared the trial. War with the Indians kept alive a manly and vigilant spirit, while it never imposed on the conquerors the duty of ruling a subject people.

I may seem in a former passage to have spoken harshly of the English settlers in their dealings with the Indians. To the latter those dealings brought little but evil. Yet we must not blame the settlers too readily. Between the savage and the civilized man there must constantly arise trifling yet fatal causes of dissension. The savage, friendly and hospitable while he felt himself secure, easily became a ferocious and revengeful foe. A single act of brutality or perfidy on the part of a settler might set on foot a war of extermination, and do harm which years of kindness and forbearance could not undo. Nor are the English settlers as a whole to be blamed for those insidious attacks which have done more to destroy the Indian than any number of raids and battles. It would be unfair to hold the nation accountable for the sins of the trader who debauches the Indian with whisky and cheats him of his furs; who at once teaches him to cast away the savage virtues of chastity and self-restraint, and to assume the civilized vices of fraud and lying. The frontier between civilization and barbarism must ever be a debatable land where the grasp of law becomes feeble. But this plea, though it may palliate the guilt of the tragedy, does not lessen its sadness. There remains the fact that the Indian, savage though he was, at least enjoyed the pleasures and displayed the virtues of the savage. The white man stripped him of these, and gave him in exchange no share of civilization save its evils.

CHAPTER IV.

AMERICAN DISCOVERY DURING THE SIXTEENTH CENTURY.[1]

Pre-Columbian voyagers.

It is no legitimate part of our subject to inquire what voyager from the Old World first set foot on the shores of America. Even if there be any truth in the romance of Prince Madoc, or in the fuller and more circumstantial but equally unconfirmed story of the Zeni; if, according to a more probable and better authenticated tradition, the vikings of Iceland anticipated in the eleventh century the Massachusetts Puritans of the seventeenth, none of these legends bear in any way upon our subject.[2] If these, or, as well may be, other voyagers of whom every trace has utterly perished, did pass those boundaries which sever the Old World from the New, their exploits are not only forgotten, but have left no abiding trace on the land or its people. America for us means at the outset the America which Columbus discovered, a continent absolutely separated from the Old World either by a vast ocean or a frozen wilderness.

Navigation and discovery before the fifteenth century.

It may seem paradoxical to say that the early voyages in quest of Cathay and the court of Prester John have more to do with our subject than the stories, even if true, of Vinland or of the Zeni. Yet so it is. The English colonization of America is but one side of that movement which transferred a large part of the world's drama

[1] Nearly all the materials for this chapter are to be found in Hakluyt's collection of voyages. The compiler of that truly noble collection will come before us at a later period, when he himself took part in the colonization of Virginia. Unless otherwise specified my references are to the edition of 1809.

[2] The alleged voyage of Nicolo Zeno, a Venetian, in 1380, rest on the evidence of a manuscript said to be discovered by a member of the Zeno family in 1558. This manuscript has been edited by Mr. Major for the Hakluyt Society. The editor has added a careful and laborious introduction, and has convinced himself of the truth of the story, a result attained by a somewhat liberal use of conjectural emendations. The Norse settlement has been made the subject of several monographs, both in America and Denmark.

The stories of the Norse settlement and Zeno's voyage are clearly set forth in Bryant and Gay's *History of the United States*, London, 1876.

from the Mediterranean to the Atlantic. The various hopes, whether shadowy or real, which urged on the explorers of the fifteenth century were part of the machinery by which that change was wrought.

The history of European navigation, like that of some of the arts, is not one of continuous and uniform progress. The thirteenth century, that marvelous birthtime of great ideas, seemed for a while about to open a new epoch of discovery. The travels of Marco Polo, the missions of John de Plano Carpini and William de Rubricis, bade fair to be the beginning of an era destined to spread the arts and religion of Europe into the uttermost parts of the earth. It was probably well for mankind that the discovery of a new world accompanied, instead of anticipating, the purification of Teutonic Christianity. The explorers of the thirteenth century had no immediate followers. The dismemberment of the Mongol Empire substituted a number of barbarous chieftains for one comparatively enlightened despot, and excluded European missionaries and merchants from Eastern Asia. The crusading impulse died out, and the interest in distant lands which it had begotten died out with it. That missionary zeal which the birth of the mendicant orders had kindled grew weak, or spent its strength in the victories of the schools. European commerce flowed on in its old channels, and mercantile enterprise applied itself more and more to the development of home industry rather than to distant exploration. Cathay and the land of Prester John gradually passed from the domain of real geography into that of romance. For more than a century after the return of Marco Polo in 1295 Europeans added little or nothing to their knowledge of distant lands.

The beginning of the fifteenth century saw the first signs of the coming change. Englishmen may remember with something of satisfaction that it was a grandson of John of Gaunt, Prince Henry of Portugal, who gave the first impulse to the naval discoveries of that age. The series of Portuguese voyages, extending over seventy-four years, which gradually revealed to the world the whole of the West Coast of Africa, and which disclosed, though they did not surmount, the dangers of the Cape of Good Hope, were the first sign that the dominion of the seas was passing away from the maritime towns of Italy to the nations of the Atlantic sea-board.

Opening of the great era of discovery.

The greatest of all these voyages has a special connection with

our subject. In 1486 Bartholomew Columbus, the brother of the admiral, accompanied Diaz and took part in that great discovery which unveiled to the modern world the southern extremity of Africa. Two years later, fortified with his own practical experience and with the theoretical wisdom of his brother, Bartholomew came to lay the scheme of the admiral before the English court.[1] On his way he was captured by pirates, and when he at length reached England he was wholly without the needful means of obtaining access to the king. At length this difficulty was surmounted. Henry, if we may believe the account of one who must have known Bartholomew Columbus well, showed himself wiser than the princes of Southern Europe. He entertained the admiral's project favorably, aud sent for him to his court. The delay, however, had been fatal; and Bartholomew found his brother already pledged to the service of Spain.

English commerce and navigation.

Doubtless many an Englishman of the next generation must have felt with regret that but for a trifling mischance England might have grasped those first fruits of American discovery which Spain reluctantly suffered to be thrust upon her. But in truth it was no mere temporary or accidental hindrance which left Spain without a rival in her career of conquest. England was not yet ripe for the task of conquering and colonizing the New World. The English of that day were a thriving, industrious race, content with the resources of a moderately populated soil and a solid, but neither brilliant nor adventurous, commerce. The fifteenth century had indeed done something to prepare the merchants of England for the greater enterprises which the succeeding age had in store for them. In many ways the past age had been one of national humiliation and distress. Disastrous campaigns in Normandy and Guienne, the Wars of the Roses, and the tyranny of the conquering Yorkists had wrought havoc among the noble houses. The blood of the yeomanry flowed .ike water at Barnet and Towton. But through all this the merchant and craftsman had thriven and waxed strong in riches and in skill. Commercial treaties with the Netherlands, Brittany, Spain, Denmark, Genoa, and the Hanse towns show that foreign trade was growing up on a scale large enough to call out the

[1] For Bartholomew Columbus's presence at the discovery of the Cape of Good Hope, see Help's *Spanish Conquest in America*, i. 69. Bartholomew Columbus's visit to England is mentioned in the *Life of Christopher Columbus* by his son Ferdinand. The passage is quoted in Hakluyt, i. 22. See also Bacon's *Life of Henry VII.*

skill and energies of the middle-classes, and to alarm those who looked with dread on the influx of foreign luxuries and the exportation of English capital. The galleys of Venice and Florence brought spiceries and wines—

> Apes and japes and marmosets tayled,
> Trifles and nifles that little have avayled.[1]

English merchants met Frenchmen, Lombards, Genoese, and Catalans in the great marts of the Netherlands. As early as 1406 the English merchants in the cities of the Low Countries formed distinct corporations, each under a governor of its own selection.[2] A few years later the same privileges were extended to those in Scandinavia.[3] In 1485 we find one Ludovic Strozzi appointed agent—or, as we may call it, *proxenos*—for the English merchants at Pisa, for which service he was to receive a due of one in four hundred on all English goods sold there.[4] But the change had not yet begun to tell on English seamanship. The principal voyages made were those for the winter supply of fish from Iceland. The Levantine trade had not yet come into being. A statute, indeed, had been passed in 1485, the precursor in a faint degree of our later Navigation Acts, ordaining that no Gascon or Guienne wine should be imported save in English, Welsh, or Irish vessels.[5] But in spite of this restriction English goods were for the most part carried in the ships of Venice and other foreign States. In the words of an old writer, "Easterlings and Lombards fed us as they listed."[6] We may form some idea of the nature and extent of the naval enterprise of that day from a writer who, to those of his own time, probably seemed an enthusiast. In a rhyming pamphlet published about 1430,[7] under the head of "Libellus de Politiâ Conservativâ Maris," the writer sets forth the various motives by which England ought to be guided in her naval and mercantile policy. He begins by repeating the advice of the Emperor Sigismund, who bade Henry V. guard Calais and Dover as his two eyes. He points out how the command of those two forts, the keys of the Channel, gives

---

[1] *Libellus de Politiâ Conservativâ Maris*, Hakluyt, i. 207.

[2] Rymer's *Fœdera*, viii. 465. [3] *Ib.* 511. [4] *Ib.* xii. 271.

[5] 1 Henry, vii. 8.

[6] *Nova Britannia*, an anonymous pamphlet writien in 1609 on behalf of the Virginia plantation, republished in Force's collection, vol. i.

[7] The writer speaks of Sigismund, "the great Emperor which yet liveth," and refers to his visit to England. As that event took place in 1416 and his death in 1438, we have the date approximately given us.

us a full control over the commerce between Spain and Flanders. So, too, the Prussians and the Easterlings (that is to say, the nations on the eastern shores of the Baltic) are dependent on their trade with Flanders—a trade which, as long as we keep the seas, can only subsist by our forbearance. To use our maritime power in neighboring waters to force other nations to treat us with respect is the writer's idea of our naval policy. The notion of distant voyages for exploration, or of commercial intercourse with remote nations, never seems to have presented itself to him.

Such maritime skill and enterprise as England did then possess was for the most part centred in the West. Two centuries before the discovery of America, in the great fleet of Edward III., one hundred and fifty-six ships out of seven hundred came from the ports of Exmouth, Dartmouth, Plymouth, Fowey and Bristol,[1] and many entries in the archives of the fourteenth century show that the towns of the west coast held a position rivaling that of the Cinque ports. But the city which stood out pre-eminent, the Venice or Lubeck of Western England, was Bristol. Her natural position, sheltered as she was by the gorge of the Avon, and with a navigable stream flowing beneath her walls, marked her out as a great naval city. She had no rivalry to fear from the seaports of Wales or Lancashire, and could appropriate to herself all the commerce of Ireland. As early as the twelfth century her port was the resort of Irish and Norwegian traders. Save London no English city took to itself so proud and so independent a position. We are reminded of the great cities of the Netherlands when we read of the burghers assembling at the sound of the city bell to withstand the encroachments of the neighboring lord. Indeed, but for the causes which kept municipal freedom within bounds in England, and compelled our great cities to find their place in the general economy of the realm, Bristol might well have become a commercial republic by herself. She was the ally in one century of Stephen, in the next of Earl Simon. At a later date she defied for three whole years the forces of Edward of Carnarvon. Ten years afterwards she witnessed his final overthrow, and she saw the chief adherents of Richard brought to the block by the victorious Lancastrians. Other events connected her with the history of the realm in a less sombre fashion. In 1253 she witnessed a royal marriage, and the next century her tolls were im-

Bristol and the West.

[1] Hakluyt, i, 131.

portant enough to form a royal dower. Despite the changes and disfigurements of later ages, we can still easily picture to ourselves what the first American voyagers looked on as they sailed from the wharves of Bristol. A costly and toilsome process had turned the Frome, and converted its swampy bed into a solid quay. The city itself had absorbed the neighboring hamlets, and with them had taken to herself that noble church which forms her chief architectural boast. The tall towers of the Temple Church and of St. Stephen's soared above the wharves and warehouses, and fitly marked out by their local peculiarities the capital of Western England. No stronghold either of lord or bishop looked down from the height above. The castle, indeed, still stood, but shorn of its strength, a stately memorial of a departed past. Its very position, encircled by the dwellings of the citizens and commanded by the heights above, showed that the proud city had needed no protection, and had owned no lord.[1]

A city so endowed by nature and by human skill, and so rich in historical associations, might well seem marked out to lead the way in the task of American navigation. For the first steps she was indebted to foreign help. As early as the reign of Edward III., sailors from Genoa and other foreign ports had served in the English navy. The increasing confusions of Italy after the French invasion naturally tempted her seamen to transfer their skill to the rising powers of Western Europe. Among such emigrants was John Cabot, a Venetian, who settled in Bristol, and then, after a return to his own country, again revisited his adopted city. Of his earlier history and personal character, we know nothing. Our own records furnish nothing but the scanty outlines of his career, and the one glimpse of light which is thrown upon the living man is due to a lately discovered letter from his countryman, the Venetian ambassador. Of his son Sebastian, we know more. He was born in Bristol, returned with his parents to Venice when three years old, and revisited England as a boy or very young man. His features, marked with the lines of thought and hardship, still live on the canvas of Holbein; and one at least of the naval chroniclers of the day writes of him in the language of warm personal affection. In 1496 a patent was granted to John Cabot and his sons

The Cabots[2] and their first patent.

[1] I have taken most of the above particulars from Mr. Seyer's *Memoirs of Bristol*, a work of much learning and considerable literary power, published in 1821.

[2] The authorities for the history and voyages of the Cabots, and a discussion of certain disputed questions, will be found in Appendix C.

Lewis, Sebastian, and Sancius. This patent is interesting as the earliest surviving document which connects England with the New World. It gave the patentees full authority to sail with five ships under the royal ensign, and to set up the royal banner on any newly-found land, as the vassals and lieutenants of the king. They were bound on their return to sail to Bristol and to pay a royalty of one-fifth upon all clear gain. The direction of the voyage, the cargo and size of the ships, and the mode of dealing with the natives, are all left to the discretion of the commander.

Of the details of the voyage itself, so full of interest for every Englishman, we have but the scantiest knowledge. In this respect the fame of Sebastian Cabot has fared far worse than that of the great discoverer with whom alone he may be compared. We can trace Columbus through every stage of his enterprise. We seem to stand by the side of the great admiral in his difficulties, his fears, his hopes, his victory. We can almost fancy that we are sharing in his triumph when at last he sails on that mission whose end he saw but in a glass darkly, victorious over the intrigues of courtiers, the avarice of princes, and the blindness of mere worldly wisdom. Our hearts once more sink as the cowardice of his followers threatens to undo all; the prize that had seemed won is again in danger. We feel all the intensity of suspense as night after night land is promised and the morning brings it not. When at length the goal is reached, we can almost trick ourselves with the belief that we have a part in that glory, and are of that generation by whom and for whom that mighty work was wrought. No such halo of romantic splendor surrounds the first voyage of Sebastian Cabot. A meagre extract from an old Bristol record: "In the year 1497, June 24, on St. John's Day, was Newfoundland found by Bristol men, in the ship called the 'Matthew'"—a few dry statements such as might be found in the note-book of any intelligent sea-captain —these are all the traces of the first English voyage which reached the New World. We read in an account, probably published under the eye of Cabot himself, that on June 24, at five o'clock in the morning, he discovered that land which no man before that time had attempted, and named it Prima Vista. An adjacent island was called St. John, in commemoration of the day. A few statements about the habits of the natives and the character of the soil, and the fisheries, make up the whole story

The first voyage.

1497

We may perhaps infer that Cabot meant this as a report on the fitness of the place for trade and fishing, knowing that these were the points which would excite most interest in England. One entry from the privy purse expenses of Henry VII., "10*l.* to hym that found the new isle," is the only other record that remains to us. Columbus was received in solemn state by the sovereigns of Aragon and Castile, and was welcomed by a crowd greater than the streets of Barcelona could hold. Cabot was paid ten pounds. The dramatic splendor of the one reception, the prosaic, mercantile character of the other, represent the different tempers in which Spain and England approached the task of American discovery.

But though our own annals give us so scanty an account of the reception of the two Cabots, the want is to some extent supplied from a foreign source. Letters are extant from the Venetian ambassador, in which he describes with just pride the enthusiasm with which his countryman was received by the people when he walked along the streets.

The next year saw Cabot again sailing with a fresh patent. Several points in it are worthy of notice. John Cabot is alone mentioned by name. From this it might be, and, indeed, has been inferred that the part played by Sebastian Cabot in the first voyage was merely secondary, and that John was the principal conductor of the first voyage, as he was by the patent designated to be of the second. He is authorized in person or by deputy to take six English ships of not more than two hundred tons burden each, and to lead them to the land which he had lately discovered. There is no limitation, either of departure or return to Bristol, and no mention is made of royalties. Probably the original provisions were still regarded as binding, except so far as rescinded or modified by the second patent.

Second patent.

In 1498 Sebastian Cabot sailed from Bristol with one vessel manned and victualed at the king's expense, accompanied by three ships of London and probably some of Bristol itself. His cargo consisted of "grosse and sleighte wares," for trafficking with the natives.[1] So scanty are the records of Cabot's two expeditions, that, although we have the geographical extent of his discoveries, yet it is impossible to

Sebastian Cabot's second voyage.

[1] Bacon's *Life of Henry VII.*, published in Messrs. Ellis and Spedding's edition of Bacon's works, vi. p. 179, London, 1857.

assign to each voyage its proper share. We know that in one or other of them he reached sixty-seven and a half degrees of north latitude and persuaded himself that he had found the passage to Cathay. The fears, however, of his sailors, justified, perhaps, by the dangers of the north seas, withheld him from following up the the enterprise. He then turned southward and coasted till he came into the latitude of thirty-eight. Of the result of the second voyage, and of Sebastian Cabot's reception in England, we hear nothing. He disappears for a while from English history, carrying with him the unfulfilled hope of a Northwest passage, destined to revive at a later day, and then to give birth to some of the most daring exploits that have ever ennobled the names of Englishmen.

There may have been various causes beside lack of enterprise to withhold Henry VII. and his subjects from adventures and discoveries in the direction of America. The bull of Alexander VI. could not fail to have some effect with a nation which had not yet cast off its allegiance to the Papacy, and the importance of the Spanish alliance may have made the king chary of encroaching on the treasures of the New World. Still, he did not altogether neglect American discoveries. In the next seven or eight years we find scattered intimations that voyages were made, though of their circumstances we know nothing. We find a patent granted to three Englishmen, Thomas Ashurst, Richard Warde, and John Thomas, and three Portuguese, John Gonsalo and John and Francis Fernando, bearing date March, 1501. The social position of the patentees may be in some measure inferred from the fact that we find John Fernando twelve years later in the English navy commanding a ship with a crew of a hundred men against France.[1] Eliot, who appears as one of the patentees in a like document a little later, is mentioned twice in the State Papers as belonging to the retinue of the deputy of Calais.[2] In the first entry he is called a draper; in the second a merchant or draper. The explorers of that day seem to have been substantial merchants or shipmasters; not, like Gilbert or Raleigh, or the other voyagers of seventy years later, members of the landed aristocracy, nor needy adventurers like Pizarro and Cortez. The patent of 1501 is much more ample than either of those granted to John Cabot.[3] Full

Patents of 1501.

[1] *Calendar of State Papers*, Henry VIII., edited by Mr. Brewer, i. 4535.

[2] *Ib.* 3919, 5388.

[3] The patent was discovered by Mr. Biddle among the Archives, and is published in an appendix to his Memoirs of Sebastian Cabot.

power is given to the patentees to explore and appropriate all districts not yet discovered by Christians. No limitation is placed on the number or tonnage of their vessels. All English subjects are to have full right of settlement in the lands to be discovered. The patentees are allowed, if necessary, to defend their territory from encroachment by arms. The office of admiral, with the full powers appertaining to it, is vested in them. The three Portuguese and their descendants are admitted to the rights of subjects, with the important reservation that they are still to pay alien duties. The patentees are empowered to punish offenders, and special mention is made of any attacks on the virtue of the native women. Indeed, the whole character of the patent seems to speak of a time in which the dangers of intercourse with barbarous countries were to some extent understood. A monopoly of trade for ten years is secured to the patentees, and in consideration of the expense of the adventure, they are at liberty to import one ship's cargo of goods duty free for four years. All infringement of the monopoly was to be punished by a forfeiture of goods, one-half to go to the Crown and one-half to the patentees. The tariff for carriage of goods is fixed. English merchants were allowed to carry imports to England, paying, besides the ordinary customs, one-twentieth to the patentees. To enforce this the patentees were to have representatives to inspect the unloading of such ships. The permission to carry goods at all was restricted to the subjects of the English Crown, and any aliens attempting even to land in the newly-discovered territory, without leave of the patentees, might be expelled, or detained and punished by the patentees at their discretion. It is worthy of notice that in the original draft of the patent a special provision is inserted guarding against any claim which might be advanced by foreigners on the strength of concessions made by the king under the grand seal. This clause, inserted in the original draft of the patent, was struck out before it was finally granted. It is not unlikely that this provision may refer to Cabot, and that a dispute arising out of his claims may have been the cause of his sudden disappearance.

In the December of the same year we find another patent, in favor of Hugh Eliot and Thomas Ashurst, merchants of Bristol, and John Gonsalo and Francis Fernando, esquires.[1] This patent

[1] The patent is given in Rymer, xiii, 37.

differs from the first in various points, some of considerable importance. A provision is inserted that no previous grant which had not yet been acted upon should be allowed to interfere with the proceedings of the present patentees, and a special clause is added revoking the patent of the previous year. The provision which limits the discovery of lands yet undiscovered is omitted, but a special reservation is inserted in favor of the King of Portugal. The monopoly of trade is extended from ten to forty years, and the patentees are allowed to import in one vessel, duty free for fifteen years, and in one vessel of one hundred and twenty tons, duty free for five years. The foreigners are by this patent placed on exactly the same footing as the English subjects, without any of the commercial restraints imposed by the earlier instrument. Altogether, it does not seem rash to infer that the provisions of the first patent had been found too irksome, and that more favorable terms were granted, with the hope of tempting the patentees into a voyage.

Second Patent.

That a voyage, if not voyages, was made about this time cannot be doubted. We read in a letter from Robert Thorne, a London merchant, written in 1527, that his father and Hugh Eliot "discovered the Newfoundland, and that had they followed their pilot's mind, the lands of the West Indies had been ours."[1] Traces of such voyages are to be found in the records of the time which still exist. We read in the king's privy purse accounts such entries as these:—

Voyages about 1500.

17th November, 1503. To one that brought hawkes from the Newfoundland isle, 1*l.*

8th April, 1504. To a preste that goeth to the islande, 2*l.*

25th August, 1505. To Clay's going to Richmond with wyld catts and popyngays of the new found island, for his costs 13*s.* 4*d.*

To Portugales that brought popyngais and catts of the mountayne, with the stuff, to the king's grace, 5*l.*[2]

Savages, we are told, were seen in London in 1502; probably brought over in one of these voyages.[3]

---

[1] Hakluyt, i, 243. This may possibly refer to Cabot's voyage.

[2] Extract from the Privy Purse Expenses of Henry VII., made by Mr. Biddle, p. 234.

[3] "This yeere [1502) were brought into the king, taken in ye Newfoundland by Sebastian Gaboti before named in anno 1498. These men were clothed in beasts' skins, and eate raw flesh. but spake such a language as no man could understand, of the which three men, two of them were seen in the king's court at Westminster two yeeres after. They were clothed like Englishmen, and could not be discerned from Englishmen."—Stow's *Chronicle*, edited by Howe, 1631, p. 483. It is improbable that if these men had been brought over by Cabot in 1498 as Stow supposes, and still retained their nature, customs, and language four years later, two years could afterwards have made so great a change in them.

After the accession of Henry VIII. we hear of no more voyages till the ninth year of his reign. The voyages to the New World apparently offered no greater results than hawks and "popyngays," and Spain might well seem so firmly established as to defy invading. Before the end of the fifteenth century Hispaniola contained at least eight Spanish settlements. Ten years later the natives of that island had begun to die out before the invaders, and the new-found paradise of the West seemed to be Spanish soil almost as truly as Granada. While English sailors were jeopardizing their lives on the dreary coast of Labrador, and bringing home strange birds and savage men to amuse the citizens of London, Vasco Nunez was gazing from Darien on these southern seas which in a few years were to bear his countrymen to the scenes of their most dazzling triumphs and their direst crimes. Probably, too, the energies of the young king were employed in forming a war navy rather than in projects of distant exploration. It is worth noticing that once only in the first eight years of Henry VIII.'s reign does Cabot's name meet us. In 1512 we find him employed in drawing up a chart of the coast of Gascony and Guienne.[1] Five years later we find him again in command of an English expedition. Of the number of ships sent out, and of the object and details of the voyage, we know nothing. One thing only is clearly recorded, that the voyage failed, and that the faint heart of Sir Thomas Pert, who was associated with Cabot in the command, was to blame for the failure.[2]

Interval of inaction.

A few years later we find various signs that English seamanship was entering upon a new era. Two letters written by Robert Thorne, one to the king, the other to Dr. Lee, the royal chaplain and almoner, are of great interest as illustrating the new ideas which were already fermenting beneath the surface, and which were soon to be adopted and carried out by the English nation.[3] They are the first writings which show that England was really beginning to take a part in the great naval movement of the age. They breathe of a time when navigation was passing into a new phase, when it was no longer a

Thorne's writings.

[1] *State Papers*, Henry VIII., ii. 1456.

[2] Richard Eden (of whom more hereafter), in the dedication of a book published in 1553, says that Henry VIII., about the eighth year of his reign, furnished and sent forth certain ships, under the governance of Sebastian Cabot, and one Sir Thomas Pert, whose faint heart was the cause that that voyage took none effect.

[3] Both letters are published in the first volume of Hakluyt.

mere handmaid to trade, but a profession opening a career to the most ambitious, and calling out the highest powers of the sage and the hero. Looked at as illustrations of the age, these writings are worth our consideration. The writer had, as we have seen, a hereditary interest in the question of American discovery. He evidently foresaw the great maritime struggle between Spain and England, and knew how much we might learn from our rival. He had lately invested, jointly with his partner, fourteen hundred ducats in a Spanish adventure to America, chiefly for the purpose of sending two Englishmen on the voyage to gain information. The goal to be aimed at, in Thorne's opinion, was the Western Sea, not yet known as the Pacific Ocean. The difficulties of the Northwest passage are got over by a process of reasoning somewhat characteristic of the age. "As all judge, '*nihil fit vacuum in rerum natura*,' so I judge that there is no land uninhabitable or sea unnavigable." English sailors thirty years later could tell him a different tale, yet his words foreshadow of the temper in which England entered upon her career of discovery in the northern seas. When the Northwest passage had been achieved, the Western Coast of America and the Spice Islands would be both at our command.

In the very year in which Thorne wrote, an attempt was made in the direction which he indicated. A rich canon of St. Paul's, one Albert de Prado, fitted out, and himself took part, in a voyage to seek out the land of the great Cham.[1] Meagre as are the records, and barren as were the results of this expedition, it still has no small interest for us. It is the first of that long series of voyages in which we are brought face to face with the actors, and in which we can read their exploits almost in their own words. We are no longer confined to the slender outline which is all that our earlier records of English voyages have vouchsafed to us. The two ships, the Mary of Guildford and the Sampson, sailed from Plymouth on the 16th of June. About three weeks after their departure they met with a heavy storm, and the Sampson disappeared. Two days later the crew of the remaining vessel found themselves among icebergs in fifty-

Voyage of 1527.

[1] Our knowledge of this voyage is chiefly derived from a letter in Purchas's *Pilgrims* (iii. p. 809) written by Rut, the master of one of the vessels, the Mary of Guildford, from Newfoundland. The voyage is also mentioned by Hakluyt (iii. 167). He erroneously calls one of the ships the Dominus Vobiscum. Mr. Biddle (pp. 272–282) has ingeniously connected this with a voyage mentioned by Herrera. He has also shown that it is very probable that Verrazani, the Italian navigator, went on this voyage and was murdered by the savages.

three degrees of north latitude. They then turned southward, and on the 3d of August entered the harbor of St. John. There they found fourteen ships, twelve from France, and two from Portugal. By one of these Rut, the master, sent home a letter in "bad English and worse writing," addressed to the king. At the same time Albert de Prado wrote home to Wolsey. The Mary then pursued her course south, and after exploring the coast at various points, returned to England in October. Of her missing consort, the Sampson, we hear no more.

For the next nine years we find no trace of any American voyages. In 1536 another attempt was made. We now feel that we are entering on the age when American voyages were to the gentry of England what the Crusades had been to their forefathers. Hore, the leader of the expedition, was a Londoner, a man of goodly stature and great courage, and a skillful cosmographer. The king favored his enterprise; landed squires and students from the Inns of Court enlisted, and out of the crews of the two ships thirty were gentlemen by birth and training. After mustering at Gravesend and taking the sacrament, they set sail at the end of April. The horrors of that ill-fated voyage are well-known to all who have studied the naval records of that age. No highly-wrought picture of suffering can equal in its effect the simple, unstudied tale of their misery. They touched at Cape Breton, then sailed northwest, and landed on the coast of Newfoundland. Then their sufferings began. They were soon driven to live on roots and berries, and such fish as they took from the nest of an osprey. Worse was in store for them. Man after man disappeared, and none knew what became of them. At length it was found that famine had lowered an Englishman to the level of the very savages. Their leader called them together and addressed them, dwelling on the heiniousness of such guilt, bidding them to trust in the power of God which had so often given help in the time of distress, and finally exhorting them rather to die manfully than to save themselves by such sinful means. His trust was not misplaced. Just, as it seemed, in the very moment of despair, when all had at length been driven by hunger to consent to that shameful relief which had hitherto been only the sin of one, a French vessel appeared, well furnished with provisions. There is

Hore's voyage.[1]

[1] A full account of Hore's voyage is given in Hakluyt, iii. p. 168. He obtained his information from one of the voyagers, Thomas Buts, son of Sir William Buts, of Norfolk.

a strange transition from the tragic to the comic as we read the quaintly worded and somewhat euphemistic statement that "such was the policy of the English that they became masters of the same, and changing ships and victualing them they set sail to come to England." By the end of October they reached the coast of Cornwall. One touch of individual history gives dramatic completeness to the tale. The voyager by whom the story as we now read it was told, was so changed with hunger and misery that his father and mother did not know him till they found a secret mark. Such was the tale of the voyage, told to Richard Hakluyt by the last survivor. During the life of that survivor a generation had grown up to whom such adventures were episodes almost of every-day life. The dangers of the northern seas had but excited our countrymen to defy them, and sufferings like those of Hore and his supporters had become familiar events in the lives of Englishmen.

It will be well to pause before entering on a more brilliant and more stirring era, to consider what progress England had made in the first half of the century towards the great task of colonizing America. Of outward result there was but little. In that as in so much else the reign of Henry VIII. was a period of preparation rather than action, of seed-time rather than harvest. During that time the English navy and English seamanship came into being. In justice to one with whom there is but little temptation to deal favorably, we must remember that this change is mainly due to Henry himself. We may be forgiven if for a moment we close our eyes to the other and darker side of his character; if we forget for a moment the tyranny of his rule, the foul tragedies of his home, the reckless and wasteful plunder of the Church, the murder of the righteous men who withstood his will, and of the evil councilor who served him but too well, and only remember that but for him one of the brightest and noblest chapters in English history might have been a blank. But for Henry England would never have had that fleet which saved her from bondage of body and soul, from the temporal tyranny of Spain, from the spiritual tyranny of Rome. Under Henry England no longer depended on fishing boats and privateers for her navy. Ships rivaling the largest that ever sailed from the ports of Italy or Spain were built in English docks. The Regent, the Grace de Dieu, and the Mary Rose were the visible first-fruits of the new system. But the king saw that it was not enough to

Progress of navigation.

change his navy, that new ships needed a new class of seamen. He saw that a time had come when seamanship was a science requiring special and minute training. In this Spain probably furnished him with a model. There seamanship was fully recognized as a subject of systematic and a scientific teaching. The Contractation House at Seville was virtually a college of navigation, giving instruction and conferring degrees.[1] Lectures were given from a chair established and endowed by the Crown, and were subsequently published. No pilot or master was allowed to sail without satisfying the authorities of the Contractation House that he might be safely trusted with the lives of his countrymen. In the same spirit Henry founded three guilds or brotherhoods, at Deptford, at Kingston-upon-Hull, and at Newcastle-upon-Tyne. They were to be at once hospitals for retired seamen who had been disabled or had fallen into poverty, and colleges for the instruction of their younger brethren. In the same spirit Sir Thomas Gresham some years later founded lectures for the furtherance of seamanship.[2] From the tone in which Hakluyt, who lived a generation later, wrote of these well-meant efforts, it would seem that the result had fallen short of the intent, but we cannot doubt that they bore some fruit, and even as attempts they are characteristic of the age and honorable to those who made them. The removal of the privileges of the Steelyard Company in 1520 marked an epoch when the merchants of England should no longer depend on foreign ships and mariners. Another symptom of the increased demand for shipping, and of the importance of the trades connected with it, is the fact that in 1496 we find for the first time the wages of shipwrights fixed by law.[3] Everything was leading up to a time when the perils of the seas should claim all that was most heroic in England's most heroic age.

Distant voyages.

As I have said before, the first half of the sixteenth century was in naval history a period of promise rather than of performance, yet outward results were not wholly wanting to tell of the impending change. A Bristol merchant who sent cloth, pack-thread, and soap to be shipped at Cadiz for the Teneriffe market, and received back dyers' moss, sugar, and kid skins, would have seemed to men of his father's genera-

[1] For an account of the Contractation House at Seville see Appendix D.
[2] Hakluyt: Epistle dedicatory to his *Collection of Voyages*, i. p. xiii.
[3] Eden's *State of the Poor*, iii. Appendix II.

DOMINICAN COLLEGE LIBRARY SAN RAFAEL

tion one of the most enterprising traders of his day.[1] Voyages were made of sufficient extent to familiarize the minds of Englishmen with the idea of distant discovery. In 1511 the Levantine trade sprang into being. Ships from London, Southampton, and Bristol sailed to Sicily and the Greek isles, and had even been known to venture as far as Tripoli and Beyrout.[2] The voyages of Rut and Hore, as we have already seen, could have done little but disgust our countrymen with the northern seas. The less ambitious attempts of William Hawkins probably did more to further the spirit of adventure. In the Paul, a ship of 250 tons, he three times sailed from Plymouth to trade on the coast of Guinea and Brazil.[3] From one of these voyages he brought back a native king, who was presented at Whitehall to Henry VIII. The spectacle of the monarch, described as having holes drilled in his cheeks, "wherein were small bones planted, in his own country reputed as great bravery," and his nether lip adorned with a ring and precious stones, may well have "seemed very strange to the beholders," and may have done something to dispel any wild dreams of a kingdom of El Dorado, which threatened to wreck the prospects of England in the New World as they were wrecking those of Spain. Others followed in the track of Hawkins, and by the year 1540 "the commodious and gainful voyage to Brazil" seems to have been regularly pursued by the merchants of Southampton.[4] The progress made in another quarter has a closer connection with our subject. In 1540 an Act of Parliament forbidding any one to buy fish from an alien, for the purpose of retailing it in an English market, made exceptions in favor of Ireland, Scotland, Orkney, Shetland, Iceland or *New Land*.[5] Another Act seven or eight years later testifies more distinctly to the importance of the Newfoundland fisheries. It prohibits any of the officers of the Admiralty from exacting pretended dues from fishermen plying to Iceland, Newfoundland, Ireland, and other fishing stations.[6] We have no means of judging of the extent to which the Newfoundland fisheries were at this time pursued. Thirty years later, according to one of Hakluyt's correspondents, fifty ships sailed thither from England

[1] Hakluyt. ii. 457.
[2] *Ib.* f. 206.
[3] *Ib.* iv. 198. No reader of Mr. Kingsley's romance, *Westward Ho*, is likely to forget the vivid scene where Martin Cockrem, the oldest of English seamen then alive, who had been left by William Hawkins as a hostage with the natives, tells his experience to the heroes of the coming struggle with the Armada.
[4] *Ib.* vi. 199.
[5] 33 Henry VIII. 2.
[6] 2 and 3 Edward VI. 6.

annually.[1] The same letter contains a detailed account not only of the fisheries, but of the country and its fitness as a residence. We may infer from this that the Newfoundland fisheries did something to suggest to Englishmen the idea of colonizing North America.

Outburst of naval activity about 1550.

But the advance which had been made during the first half of the fifteenth century, substantial though it was, might well seem dwarfish and paltry when compared with the giant strides of the next twenty years. It was no ignorant contempt for an earlier generation which made Hakluyt, when writing at the beginning of the next century, say that in the year 1553 there was "little extent of our men's travels."[2] At length, however, the seed which had so long germinated sprung forth and bore fruit. In the words of an old writer, "It pleased Almighty God of His infinite mercy at length to awake some of our worthy countrymen out of that drowsy dreame wherein we have all so long slumbered."[3] The seventy years preceding the reign of Elizabeth had not only changed English modes of thought and life, they had begotten a new race of Englishmen. Various tendencies had combined to bring about this growth. The movement which in theology had produced the Reformation, and in philosophy contained in its womb the teaching of Bacon and of the seventeenth century, had changed the social and mercantile as well as the political life of the nation. The homely fashions which had contented an earlier generation no longer satisfied men who had tasted the luxuries of Italy and the East. Merchants began to take a place among the counselors of kings; the trader no longer ranked with handicraftsmen, he was the rival of cardinals and nobles. There were special reasons why the newly-awakened life of the nation should show itself on the seas. The theoretical discoveries of Galileo and the practical discoveries of Columbus had surrounded seamanship with a halo alike of scientific and romantic interest. The middle of the sixteenth century was one of those epochs in which two ages meet, and which combine much of what is best in both. The simple faith and earnest enthusiasm of the age that was passing away was combined with the far-seeing wisdom of that which was beginning. Nowhere was this union of the new and old more fully

[1] Hakluyt, iii. 170.
[2] Dedicatory letter to Sir Robert Cecil, iv. 398.
[3] Sir George Peckham in Hakluyt, iii. 211.

embodied than in the English seamen of that age. In men like Hore and Gilbert was blended in no small measure the zeal of the mediæval crusader with the wisdom of the modern philosopher. And though the age may have been in its nature and its ultimate results an age of skepticism, there was nothing to check, much to foster, that spirit of belief which is needful for most great deeds, and which had no small share in the great deeds of that time. A period of widely spread and suddenly developed intellectual activity, and of revolution in the world of thought, may be for the philosopher an age of inquiry and denial, but for the generality of men it will be an age of unquestioning and passionate belief. And, indeed, we cannot wonder at the credulity of a generation which had seen the discovery of a new world, and, as it seemed to many, the creation of a new faith. When such a man as Raleigh could be beguiled by the words of an ignorant and lying savage into the belief in a kingdom far exceeding in its riches and splendor either Mexico or Peru, we may judge what were the dreamy hopes which led less educated men to seek adventures in the New World.[1]

Voyages to Guinea.

The first channel into which the new-born energy of the nation flowed was the trade with Guinea. The first of the recorded voyages thither illustrates the need which England had for a system of training like that of the Contractation House, and the mischiefs which might ensue from the lack of it. Two ships sailed from Portsmouth, well furnished with capable men and fitting supplies. The pilot was a Portuguese, Anthony Pinteado, sober, discreet and skillful in his business. The captain, one Windham, seems to have been obdurate and headstrong. He fell into an error common among the voyagers of that age, and preferred an uncertain quest after gold to what would have been a sure and gainful trade in pepper. Pinteado remonstrated, but his wiser counsels were treated with contempt. His nationality, in all probability, told against him. The crew became disorderly, and fell sick through carelessness in their diet. Windham and Pinteado both died, and of the seven score men who sailed forty only returned. If the Spanish system had existed in England the voyage would have had an English pilot and a capable captain. Again, in the account of a voyage to Guinea in

[1] Raleigh's belief in Manoa is attested in a letter from him to Cecil. His evidence for it was the statement of an Indian conveyed through a Spaniard. See Edward's *Life of Raleigh*, i. 198, ii. 109.

1556 we find the captain, William Towrson, saying, "I think the willful master ran in with the shore of purpose, being offended that I told him of his folly." Notwithstanding this disheartening start, the Guinea voyages went on without intermission for the next four years. From that time there is a gap of five years in our records, and then we find five more voyages in the next six years.[1] These adventures were not confined to merchants and traders. Among the promoters of them we find the names of Sir George Barne, Sir John Yorke, Sir William Chester, and Sir Thomas Gerrard. In an entry among the State Papers we read that the Earls of Pembroke and Leicester hired a ship from the Admiralty, for five hundred pounds, to trade on the coast of Africa and America.[2] Another entry in the State Papers connects these Guinea voyages with American history in a specially painful manner. We read how Sir John Hawkins purposes "to lade negroes in Genoya (Guinea), and to sell them in the West Indies in truck of gold, pearls and emeralds."[3] To us these voyages are chiefly interesting as illustrating the adventurous spirit of the age, and as having doubtless furnished one of the motives which induced England to acquiesce in the Spanish monopoly of the New World.

Another symptom of the new era is the return of Sebastian Cabot. In 1549, the third year of Edward VI.'s reign, his services at last met with a portion of the reward they had deserved, and he was made Grand Pilot of England, with pay of £166 13*s.* 4*d.*[4] Age had not lessened his eagerness for discovery, but America was no longer the field of his labors. He, like most of the navigators of his age, attached more value to the visionary project of a northeast or northwest passage to Asia than to the solid gain which the American trade and fisheries placed within their grasp. In 1553 a company was formed under the governorship of Cabot for the discovery of a northeast passage. A stock of six thousand pounds was subscribed in shares of twenty-five pounds each. The orders of the company, drawn up by Cabot, are worthy of attention. An oath of obedi-

Voyages to Russia.

[1] These voyages are all given in the second volume of Hakluyt. Two of them are told in doggerel rhyme by Robert Baker, who conducted them; the composition beguiled the weariness of a French prison. The manner in which they are told is characteristic of the age. The personages of the heathen mythology are dragged in at every turn and the final warning to leave the coast is given in a dream, when Vulcan pleads before Jupiter in behalf of his children, the negroes.

[2] *Domestic State Papers*, 1565, Oct. 23.
Ib. 1567, Sept. 15.

[4] Purchas's *Pilgrims*, iii. 808.

ence to the crown, the captain-general, and the captains and masters was to be enforced. Prayers are to be read on shipboard every morning and evening. Blasphemy, gaming, and quarreling are strictly forbidden. All trade is to be under the control of the captains and certain officers called the Cape merchants, and all private traffic is strictly forbidden. Humanity to the natives is enjoined, and all offenses against the chastity of their women are specially denounced. All attempts at religious conversion are prohibited. Possibly Cabot had sufficiently definite ideas about the countries sought after to know they would be, for the most part, occupied by professed Christians. It is worthy of note that no provision was made against the danger of private ambition. The oath taken by the captains and masters, and preserved by Hakluyt, bound them to a full and faithful execution of the objects at which the voyages aimed, but did not seem to contemplate the chance of their abusing the powers given them for personal ends. It was purely a voyage of trade and discovery, not of conquest, and it was needless to guard against the designs of a Cortez or a Pizzaro.

Three ships under Sir Hugh Willoughby were sent out in May, 1553. Sir Hugh himself, with two ships' crews, was found two years later frozen in a river of Lapland. Yet the voyage was no failure. The third vessel, under the command of Richard Chancellor, reached the Bay of St. Nicholas. Her wise and daring captain made his way to the court of Moscow, and astonished his countrymen by his account of the great Slavonic Empire with its strange mixture of grandeur and barbarism. The route thus opened by Chancellor was resolutely followed up.

The company obtained in 1554 a charter of corporation under the title of the "Merchant Adventurers for the Discovery of Lands, Countries, and Isles not known or frequented by any English." Annual voyages were made to Russia, and six years later Anthony Jenkinson, the most enterprising northern traveler of his age, penetrated by land from Moscow to the court of the Shah.[1]

Death of Sebastian Cabot.

The account of the second of these voyages has a special interest for us. It contains one of the few recorded events which throw a gleam of light upon the career and personal character of Cabot. Stephen Burrough, a worthy follower of Chancellor, and his companion in the voyage of 1556,

[1] The authorities for Chancellor's voyage are all to be found in the first volume of Hakluyt.

has left an account of the expedition. He tells us how Cabot, with a company of gentlemen and gentlewomen, came on board his vessel at Gravesend, and how they were feasted there; after which the "good old gentleman" gave liberal alms to the poor, and asked them to pray for the success of the voyage. The concluding episode is best told in the writer's own words. "And then at the sign of the Christopher he and his friends banqueted, and made me and them that were in the company great cheer: and for very joy that he had to see the towardness of our intended discovery, he entered into the dance himself amongst the rest of the young and holy company: which being ended, he and his friends departed, commending us to the governance of Almighty God." In the next year we find that Cabot had to share his office and his salary with an associate, William Worthington.[1] There we lose sight of him, only to meet him again on his death-bed. His friend, Richard Eden, sat by him in his last moments, and from him we learn that the mind of the great discoverer was busy even at the last with the problems and pursuits of his lifetime.[2] The time and place of his death are alike unknown. For once posterity has dealt less justly with greatness than did its own age. To the men of that day Sebastian Cabot was a hero and a leader, to us he is little more than a dim and shadowy name.

Movement towards American discovery.

Voyages to Guinea and Archangel did not long suffice to employ the new-born energy of English seamen, and they soon betook themselves to that great task which forms their best claim to the gratitude of posterity. The barriers which had withheld England from a career of American exploration and conquest gradually gave way. Spain was no longer an ally to be respected, but a dangerous and hated rival. The recollection of Philip and his Spanish courtiers riding into London, decked in the spoils of Mexico and Peru, must have been at once dazzling, enraging, and animating. Might not England fight Spain on her own ground and with her own weapons? Might not the treasures of the New World be used to support England and the Gospel, not Spain and the Inquisition? Even the thirst for gold was ennobled when thus linked with the cause of national greatness and religious freedom. Another motive ought not in justice to be overlooked. As in the search for gold, so in the conversion of the Indians, Spain was at once a

[1] Rymer, xv. 466.

[2] Nicholls's *Life of Cabot*, p. 186.

pattern and a rival. To carry out the Gospel to wild races dwelling in distant lands was a task peculiarly suited to the temper of an adventurous generation that had just passed through a great religious crisis. Such was the combination of influences under which England entered upon her career in the New World. The reign of Mary had repressed, but in no way destroyed, the newborn spirit of the nation. When that evil time was at an end, and a popular, ambitious, and enterprising queen sat on the throne, the torrent burst forth in full strength. From thirty to fifty ships sailed every year to the Newfoundland fisheries. Privateers harassed the treasure ships on the coast of South America, and before long the English flag became a terror to the dwellers in every Spanish seaport from St. Augustine to Cumana. Spain became each year more hated and less feared. The infection of the gold fever seized the wisest and bravest Englishmen of the day. The dreams of the alchemists revived in a changed form, and, like the alchemists, the seamen of that age sought the undiscoverable, and found treasure by the way whose value they knew not. The men who sailed with Drake to plunder the Spaniard, or followed Frobisher in his wild search for a northern El Dorado, were unconsciously taking no small part in the colonization of America. Their efforts, even when they failed, served to familiarize Englishmen with the newly-discovered lands. Savages were seen in the streets of Plymouth and London, and people began to learn that the regions beyond the seas were not wholly peopled by

> Anthropophagi and men whose heads
> Do grow beneath their shoulders.

The New World did not lose anything of its charms and marvels, but it lost something of its terrors. The men, indeed, who wrought this change had little in common with those who profited by it. Only one or two far-sighted statesmen like Raleigh foresaw the colonization of the next age. The adventurers of the sixteenth century would for the most part have looked with little favor on the religious and political motives which led to the settlement of New England. But though they may not have foreseen the nature of the harvest, they helped to sow the seed. If Gilbert had never sailed, the fathers of Plymouth would in all likelihood have lived and died in Holland.

An important symptom and accompaniment of this movement

was the rapid growth of a literature of navigation and discovery. It is scarcely too much to say that a complete history of the subject sprung into existence during the latter half of the sixteenth century. Sebastian Cabot himself published maps and documents, now unhappily lost. Of the extant records of English voyages of that date, the earliest probably was Chancellor's account of his journey to Moscow, taken down from his own lips by Clement Adams, and published in 1555. Two years earlier such portions of Sebastian Munster's "Cosmography" as referred to the newly-discovered world had been translated into English by Richard Eden, and this was followed by an English version of Peter Martyr's "Decades of the New World," by Richard Eden and Richard Wylles. Oral evidence, we may be sure, was not wanting to feed the curiosity thus excited. Before many years there was scarcely a fishing village in Devonshire without some hero of its own to tell of the Paradise that he had seen and the plate ships that he had helped to plunder. The mind of the nation was thoroughly aroused. Noble and ignoble motives worked together. The brave, the wise, and the pious, as well as the idle and rapacious, were hurried into the great gulf stream of maritime adventure.

Literature of navigation.

As might have been expected, the new movement found its foremost pioneers in the West of England. We have seen how the seaports of Devonshire had early become the main strongholds of maritime enterprise. Besides, there were special features of temper and training which fitted the men of Devon to become leaders in the task of discovery. Devonshire in the sixteenth century was distinguished from the rest of England by its spirit of enterprise and progress, as much as Lancashire and Yorkshire are now. The inhabitants, though English by blood, were strongly leavened with the imagination and versatility of the Celt. The genial air, the free, open moorlands, interspersed with fertile valleys and richly-wooded bays, neither depressed the soul of man like the dreary wilds of the North, nor lulled it into sluggish content like the rich pastoral Midlands. It was a land which forbade either sloth or squalor. Innumerable bays and natural harbors studded with fishing villages furnished schools for a venturesome race of seamen. Manufactures, improved by skilled workmen from Italy and France, insured a class of wealthy and enterprising merchants. Moreover the West, above all districts of England, seems to have pos-

Spirit of enterprise in the West.

sessed a numerous gentry bound by constant intermarriages into a great clan, strongly animated by local pride and by a peculiar love for their country. Thus most of the land was in the hands of well-born commoners, not wholly severed from the yeomanry and merchants. All classes, leaders and followers alike, were ready to throw themselves into the new career which was opening before the nation.

Stukeley and his Florida scheme.[1]

The first attempt at American plantation in the reign of Elizabeth, if, indeed, it can be called an attempt, was not such as to do credit to its promoters or to further the cause of colonization. Yet it requires notice as illustrating more than one aspect of our subject. Thomas Stukeley was a younger son of a good Devonshire family. Rumor, indeed, gave him a more conspicuous though less reputable parentage, and, with apparently but slight grounds, sought to father him on Henry VIII. If this were true, he seems to have inherited all the failings of the Tudors, their reckless violence and unscrupulousness, without their redeeming virtues of steadfastness and public spirit. Both in his character and his career, Stukeley was the typical soldier of the sixteenth century, with all his features intensified and exaggerated. He was at once a daring and skillful captain, an unscrupulous politician of the school of Machiavelli, a braggart, an adventurer, and a citizen of the world. Himself a Papist, he was equally ready to serve a Romanist king of France and a Protestant Lord Protector of England. At one time we find him plotting with the French Government against his native country, then serving under the Duke of Savoy against France. His one point of contact with our subject is slight, yet important. In 1563 we find him planning, with the sanction of the Crown, an expedition to colonize Florida, a term vaguely applied to the territory north of the Bay of Mexico. Stukeley was not ill-fitted for the career of an English Pizarro, but it seems doubtful whether he ever seriously contemplated such an attempt. This much only can we extract from the imperfect and scattered records at our disposal; that Stukeley at once converted his proposed attempt at colonization into a buccaneering expedition against French and Spanish vessels, and that the queen took no precautions to guard against any such misuse of his privileges, nor showed any

[1] The whole career of Stukeley has been carefully worked out by Mr. Richard Simpson in a work entitled *The School of Shakespere.* Among the plays in this volume is one entitled *The Famous History of the Life and Death of Sir Thomas Stucley.* Mr. Simpson has prefaced this with an elaborate biographical essay.

serious resentment when his change of purpose was fully discovered. If, as some have thought, she herself was prepared to profit by his successes, she was but anticipating her policy of a few years later towards Drake and Hawkins. The scheme, whether for colonization or piracy, failed: Stukeley passes from the scene, and after a series of adventures as strange, as diversified, and as discreditable as his earlier career, he fell by a death nobler than his life, at the side of King Sebastian on the field of Alcazar. Aimless and unproductive though his so-called "Florida scheme" was, yet it is not without interest and importance both in the ideas that prompted it and in its indirect results. It shows us, what we shall see more fully illustrated hereafter, how closely connected in that age were the careers of the colonist and the buccaneer, how easily one passed into the other, and how widely the schemes for plantations in that day differed from the sober commercial attempts of the next century. Moreover, Stukeley's scheme gives an explanation and a legitimate reason for the hostility shown by Spain to our schemes for colonization, over and above her intense jealousy of a rival on the American continent. We may well believe that the Spanish statesmen of the day saw in Gilbert and Raleigh, perhaps even in the founders of the Virginia Company, the followers and imitators of Stukeley, and measured their projects by those of their predecessor. They must have known too that Stukeley was acting with the connivance, if not under the direct instructions, of the Crown, and they may well have been imbued with a deep distrust for that policy of maritime enterprise which was cherished by Elizabeth and her leaders.

Sir Humphrey Gilbert.

The hopes of English colonization were soon entrusted to worthier hands. It would be gross injustice to liken a high-minded and patriotic man such as Gilbert to an unscrupulous, self-seeking adventurer like Stukeley. Yet between the two there is enough in common to remind us how closely intermingled were the nobler and meaner aspects of that age, how narrow was the gulf which separated its highest aspirations from its lower and baser aims. Gilbert, like Stukeley, was a member of an old Devonshire family. His ancestral home yet stands, stately in its decay. The Atlantic gales roared around its watch-tower, and from the neighboring hills Gilbert must have looked down on the noble harbor of Tor Bay. All the land around is lovely, with the peculiar beauty of the West; neither

stern nor languid, a beauty which neither awes nor enervates. It would be hard to find a spot richer in romantic influences; more fit to train up a child in those dreamy hopes which allured the seamen of that age.

An Eton and Oxford scholar, a soldier in the religious wars of the Continent, then governor of the province of Munster, Gilbert was thoroughly steeped in the literary culture and the military and political training of that versatile generation. Gradually all lesser aims and ambitions gave way before the great purpose of his life.

About 1565 we meet with the first traces of Gilbert's project of colonization. In the autumn of that year a corporation was established by Act of Parliament, for the discovery of new trades.[1] Gilbert was a member of it, and soon after we find him presenting a memorial to the queen in virtue of his position. The scheme suggested in this memorial included the discovery of a Northwest passage to Cathay, the establishment of a traffic with that country, and the colonization of the intermediate lands. His petition asks that he may have the use of two of the queen's ships for the first four voyages, with the right to press seamen, that he and his heirs may enjoy certain exemptions from customs, and certain shares on all profits, and that he may be appointed governor of all such lands as he may discover, with the right to nominate a deputy.[2] The first effect of this proposal seems to have been to bring Gilbert into conflict with the Merchant Adventurers Company. The members of the company, however, showed themselves ready to accept a compromise. Anthony Jenkinson was deputed to confer with him, and the merchant adventurers formally proposed that Gilbert should accept the freedom of the company and be appointed to conduct a voyage on their behalf. Gilbert seems to have accepted the arrangement, but for some unknown reason the proposal bore no fruit.[3]

His first scheme.

After this Gilbert seems for a while to have stood aloof from any practical attempt. He did not, however, neglect the great project of his life. Before long he wrote a pamphlet entitled "A Discourse to prove a passage by the Northwest to Cataya and

[1] By a private Act in the eighth of Elizabeth.

[2] The Memorial, with Cecil's reply, is published in an epitomized form in Mr. Sainsbury's *Calendar of Colonial State Papers* relating to the West Indies, No. 13.

[3] *Colonial Papers* (East Indies). Nos. 12–15.

the East Indies."[1] In it he sets forth the feasibility of the effort and the gain which may be expected to result from it. Like Thorne, he appears to ignore the possibility of an ice-bound sea, and to suppose that a continuous ocean necessarily implies the possibility of a passage. The sanguine and enthusiastic nature of the man, fitter to contrive than to execute, and more likely to show others the way to succeed than to achieve success himself, is manifest in every page. Every chance story that may serve to illustrate the possibility of a passage is pressed into his service. There is a characteristic mixture of the credulous, uncritical spirit of the middle ages with the restless, enterprising, half-scientific temper of the sixteenth century. For us the most interesting part of the document, and that which connects itself most closely with Gilbert's later scheme, is the summary of the advantages to be expected. He first appeals to that belief in unknown lands of boundless wealth which figured so largely in the dreamlike projects of the age. "It were the only way for our princes to possess all the wealth of the East parts (as they term them) of the world, which is infinite." Such promises were sober compared to the wild dreams of El Dorado which possessed the age and which could even enslave the vigorous mind of Raleigh. Gilbert then proceeds to appeal to more commonplace motives, and dwells upon the acquisition of a valuable eastern trade. With one of those strange appeals to Scripture which are not confined to the Puritans of that day, he points out the probable demand for European goods in the East, auguring from the example of "the great king of India, Assuerus, who matched the colored clothes wherewith his houses and tents were apparelled with gold and silver as part of his greatest treasure." But for us by far the most interesting feature of the discourse is the prospect which Gilbert holds out that "we might inhabit some part of those countries and settle there such needy people of our own which now trouble the commonwealth, and through want here at home are enforced to commit outrageous offenses, whereby they are daily consumed by the gallows."

Gilbert's "Discourse."

Gilbert himself did not publish this pamphlet, thinking, perhaps, that it might be disapproved of at Court, as likely to embroil the country with Spain. Despite his precautions, it found its way into print, and brought about one of the

Frobisher's voyages.

[1] This pamphlet is published in Hakluyt, iii. 32. Two copies of the original edition are in the British Museum.

most memorable adventures of the age. Among Gilbert's acquaintance was one George Gascoigne, a man of some literary fame, and, as it would seem, a friend of Raleigh.[1] He, being struck with the "Discourse," obtained the manuscript of it, showed it to at least one of his friends, and, seemingly without Gilbert's approval, published it. The friend to whom Gascoigne showed the document was a kinsman of his own, Martin Frobisher, who was already meditating schemes of northern exploration.[2] Gilbert's pamphlets gave a definite form to his vague aspirations.[3] His exploits lie beyond our subject, yet they are not wholly foreign to it. There could be no more effective comment on the spirit which impelled the English discoverers of the sixteenth century, its heroic yet unstable temper, its mixture of far-reaching schemes with an absence of practical and detailed knowledge. The whole career of Martin Frobisher may indeed be looked on as a type and epitome of Elizabethan seamanship. He had served his apprenticeship in the Guinea voyages, and had been implicated in a charge of piracy, no serious drawback probably to his future success. He found a patron in Michael Lok, himself a merchant captain in the Levant, and the son of Sir William Lok, who, like many other London traders, had attained commercial and political greatness under Henry VIII.

In 1576, by Lok's exertions, Frobisher was furnished with the funds needful for his enterprise, and during that and the two following years he made three voyages to the northern seas. The records of that adventurous age can show few exploits more enterprising, none perhaps less fruitful. In his first voyage Frobisher reached the coast of Labrador. He brought home, not the report of a Northwest passage, but hopes as chimerical and more dangerous. A stone which he found was reported to contain gold. England was already gold-mad, and the prospect of a Northern Peru instantly awakened the enthusiasm of those who had been unmoved by the project of a Northwest passage. The Company of Cathay was formed, with Lok as Governor and Frobisher as High Admiral of the newly-discovered lands. The two voyages which ensued were disastrous failures. At the very

[1] For the connection between Raleigh and Gascoigne see Edwards's *Life of Raleigh*, i. 36.
[2] Gascoigne's Introduction.
[3] Full accounts of Frobisher's voyages are to be found in the third volume of Hakluyt. The *East India Colonial Papers*, above referred to, also contain many documents bearing on the subject. All these authorities have been carefully worked up by the Rev. F. Jones in his *Life of Sir Martin Frobisher*, 1878.

outset they illustrated strikingly one of the chief dangers which beset English colonization. Frobisher obtained a royal license to take criminals from the gaols with whom to garrison the lands that he might discover. All that accrued from the two voyages was a vast freight of earth, supposed to be full of gold, but soon found to be wholly worthless. Had the colony been better planned, had the gold discoveries been real, Frobisher's faults of temper, his arrogance and harshness towards his men, his duplicity and brutality in dealing with the savages, would have insured failure. The Company disappears with a storm of disputes and recriminations between Frobisher and Lok, and the curtain falls dramatically upon the figure of Isabella Frobisher petitioning to be delivered from the starvation which her husband's recklessness had brought upon herself and her children.

The impulse of the age towards American colonization was too strong to be checked by this failure. In less than a year after Frobisher's last disastrous voyage Gilbert obtained a patent of colonization from the Queen.[1] This instrument gave him full power to inhabit and fortify all lands not yet possessed by any Christian prince or people. His choice of a situation was restricted by no geographical limits. Full proprietary rights were granted to him and his heirs and assignees over all land within two hundred leagues of the place in which during the next six years they should make their settlement. The only right reserved by the Crown was a royalty of one-fifth on all precious metals. The proprietors had full power of making laws and ordinances, "as near as conveniently might be to the laws of the realm, and not opposed to the Christian religion as professed by the Church of England." Should no colony be founded within six years the patent was to expire.

Gilbert's patent.

On the strength of this patent a number of gentlemen associated themselves with Gilbert in his enterprise. Even after the royal license had been so far obtained there were still difficulties to be surmounted. For nearly half a century from this time English colonists had a persistent and watchful opponent in the Spanish Court. For one short and glorious interval that opposition was as little heeded by the English Government as by the English nation. But that time had not yet come. For the present Gilbert found that the Privy Council were fully inclined to support the Spanish Government in thwart-

Gilbert's first voyage.

[1] The Patent is given in Hakluyt, iii. 174.

ing his efforts. If it be true, as some have thought, that he was the author of a paper still extant, entitled "A Discourse how Her Majesty may annoy the King of Spain by fitting out a fleet of shippes of war under pretense of a voyage of discovery, and so fall upon the enemies shippes and destroy his trade in Newfoundland and the West Indies, and possess their country,"[1] we can well understand the uneasiness which his projects excited. In April, 1579, just when Gilbert's laborious preparations had been completed, an order was forwarded to him from the Privy Council commanding him either to give up his voyage or to furnish securities for his good behavior. Before this difficulty had been surmounted a fresh one arose. Just in the very crisis on which the fate of the voyage depended, some of Gilbert's followers were accused of having attacked and plundered a Spanish ship lying in Warfleet Cove, near Dartmouth. Immediately an order came down from the Privy Council that restitution was to be made to the Spaniards, and that neither Gilbert himself nor any of his followers was to sail. The order either came too late or was disregarded, and on the 23d of September, 1578, Gilbert sailed from Dartmouth with a fleet of eleven ships, victualed for a year. The same ill fate which had so nearly kept the fleet from sailing seemed to dog it throughout. One of the ships leaked and had to be left behind, and soon after seven more deserted.[2]

The expedition was a complete failure, and left Gilbert too crippled in means to go on with his project. In 1580 he transferred his patent to Sir Thomas Gerrard and Sir George Peckham.[3] They either did nothing in the matter or failed so completely that all trace of their effort is lost.

In 1583 Gilbert himself, rather than allow his patent to expire, made one more effort. By dint of selling a large part of his landed estate, and by the aid of Raleigh, who fitted up one ship at a cost of a thousand pounds, the need-

Gilbert's second voyage.[4]

[1] This document, which is still extant, is dated the 6th of Nov., 1571. An epitome of it is given in the *Calendar of Domestic State Papers*, 1547–1580; the signature has been erased, but the editor, Mr. Lemon, conjectures that it was H. Gylberte.

[2] Our knowledge of this voyage is mainly derived from Edward Hayes (see below). The two orders of Council are given in Mr. Edward's *Life of Raleigh*, i. p. 78.

[3] *Domestic Papers*, 1580, p. 695.

[4] There is a full account of this voyage written by Edward Hayes in Hakluyt, iii., 184. The author was the captain and owner of the "Golden Hind," the only vessel which accomplished the whole voyage and returned safe. With the exception perhaps of the story of Hore's voyage, Hayes's narrative is the most vivid and picturesque of all those collected by Hakluyt. There are also some particulars of the voyage given by Sir George Peckham in a pamphlet which will be hereafter mentioned The wreck of the "Delight" and the subsequent

ful funds were raised. Two hundred and sixty men were enlisted, and a fleet of five ships was got together, the largest of two hundred, the smallest of ten, tons burden. No cost seems to have been spared on this attempt, and everything was arranged with a view to a permanent settlement, and to the establishment of friendly relations and trade with the natives. Indeed, but for the absence of women it might have seemed like an ancient Greek colony, a miniature community complete in itself. There were men "of every faculty," shipwrights, masons, carpenters, smiths, miners, and smelters. For the trade with the savages there were petty haberdasheries. The lighter side of life was not neglected. There was music of various kinds, with morris-dancers and "May-like conceits," and that personage who figures so prominently in the songs and plays of the day, the hobby horse, had his place in the expedition. The intention "to win the savage people by all fair means possible," was a laudable contrast to the practice of too many voyagers in that day; but the use made of the limited space at command showed no very practical temper.

On the 11th of June they sailed. From the outset the voyage was unfortunate. There were, as we shall repeatedly see, three great hindrances to the success of the first English colonists. But for that uncalculating and indomitable spirit of enterprise which urged Drake and Hawkins to their gallant deeds against the Spaniards, America would perhaps have never been colonized by Englishmen. Nevertheless that spirit was in its direct results one of the most serious obstacles to the well-being of our early settlements. The belief that every hill in the New World was a Potosi, and that any lawless and dissolute adventurers, the very offscourings of England, were good enough materials for a colony, delusions which have already come under our notice, had an equally pernicious effect. In Gilbert's voyage we see at least two, probably all, of these evil influences at work. The fleet had only set sail two days, when the ship sent by Raleigh, the best in the fleet, deserted, on the plea that the captain and some of the crew had fallen sick. On the 20th of July the fleet got separated in a fog, and two ships, the Swallow and the Squirrel, lost sight of the other two. The crew of the Swallow, freed from Gilbert's control, betook themselves to piracy. En-

adventures of her crew are told in "A Relation of William Clerk of Weymouth, master of a ship called the 'Delight,' going for the discovery of Norembega with Sir Humphrey Gilbert, 1583. Written in excuse for the fault of casting away the ship and men, imputed to his oversight," Hakluyt iii, 206.

countering a French ship on her homeward voyage from Newfoundland, they hailed her, and being in want of stores, besought the captain to supply them. They then seized the opportunity given by their hospitable reception to seize the ship and plunder her, forcing the crew by torture to give up their goods. At the end of July Gilbert reached the shore of Newfoundland, and in five days afterward the Swallow appeared in Conception Bay. On the same day, a little farther down the coast, the other missing ship, the Squirrel, rejoined the fleet. They then prepared to enter St. John's harbor, not without fear of resistance, inasmuch as there were thirty-six ships of all nations in the port. Their fears, however, were unfounded, and all the ships, especially the Portuguese, received the English with great kindness. Gilbert then produced his commission. The first right which he exercised under it was to demand such supplies as he needed at a fair rate, while at the same time he offered to confer any reasonable privilege upon application. Two days later he took formal possession in the queen's name, and announced his intention of governing as her deputy. He then enacted three laws, not without their interest for us as the first specimen of English legislation in the New World. The first provided that "religion in public exercise should be according to the Church of England"; the second that, if anything were attempted prejudicial to her Majesty's right or possession of those territories, the offender shall be executed as in a case of high treason, according to the laws of England; the third that, if any person should utter words to the dishonor of her Majesty, he should lose his ears, and his ship and goods should be confiscated. The whole multitude, foreigners as well as English, promised obedience. The arms of England engraved on lead were fixed on a pillar of wood. Gilbert then proceeded to exercise his right of territorial sovereignty by granting parcels of land by the waterside in fee-farm for a yearly rent. All that was seen of the country encouraged the adventurers. In the South, Hayes says, possibly with a shade of irony, they "found no inhabitants, which by all likelihood have abandoned these coasts, the same being so much frequented by Christians; but in the North are savages altogether harmless." The resources of the country more than fulfilled their hopes, and made them "glorify the magnificent God who hath superabundantly replenished the earth with creatures serving for the use of man." Moreover, the chief miner, a Saxon, assured Gilbert that

he had discovered silver ore. Gilbert's estimate of the country rose, and he no longer showed the same readiness to grant away the land in parcels to private persons. There was, however, a dark side to the picture. Many of the sailors fell sick. The lawless temper of the adventurers began to assert itself. Many deserted and hid themselves in the woods till they could get a passage home in some fishing vessel. Some even tried to steal away by night with one of the ships. One party seized a vessel laden with fish, turned the crew on shore, and sailed away. After all these casualties it was impossible to man the whole fleet. Accordingly, Gilbert left the Swallow to take the sick home, and with the rest of the fleet pursued his exploration of the coast southward. On the 20th of August they set sail, supplied with food and all other necessaries for the voyage, "as well as if they had been in a country or some city populous and plentiful of all things"; a statement which gives us some idea of the importance to which the Newfoundland fisheries had attained. On the 27th of August they met with the worst mishap that had yet befallen the fleet. The Delight, the only ship, since the desertion of the Raleigh, of more than forty tons burden, with most of the provisions on board, struck on a rock and went to pieces in full view of the other ships. Among those who perished was the Saxon miner. Another victim, through his own heroism in refusing to leave the vessel till the last, was Maurice Brown, who had been the captain of the Swallow, and the unwilling witness to the misconduct of her crew. The silver ore, too, was all lost, a disaster which seems to have troubled Gilbert more than anything which occurred in the whole voyage. Only sixteen men got off in a pinnace, without any food or water. Their adventures were remarkable even among the romantic incidents which are sown so thickly among the naval annals of that age. They at length reached the shore of Newfoundland. Thence, by the friendship of a Portuguese captain, they were safely landed on the coast of Spain, and in spite of the hostile vigilance of the Spanish government, made their way safely through France to England.

More disasters were in store for the fleet. The weather became daily worse and the sea more dangerous. Food and clothing, of which the chief supplies had been in the Delight, ran short. At length Gilbert, unwillingly as it would seem, gave up all idea of further exploration, and on the 31st of August set sail homeward, consoling himself and his

Gilbert's death.

crew with the prospect of a better furnished expedition next spring. There is no need to dwell at length on so well-known a story as the end of that voyage, told by Hayes with all the simple dignity of true sorrow. Daring even to rashness, Gilbert would not be turned aside from his resolve to sail in the Squirrel, the smallest vessel in the fleet, though she was evidently overloaded. To the remonstrances of the captain and master of the Golden Hind, and those of his other friends, he only answered that he would not forsake his little company going homeward, with whom he had passed so many storms and perils. At twelve o'clock on a September night his lights disappeared, and the father of English colonization went to his rest. His last words were, "We are as near heaven by sea as by land," "a speech well becoming a soldier resolute in Jesus Christ."

Two documents written in the year of Gilbert's ill-fated attempt throw so much light on the views and hopes of colonizers in that age that we must not leave them unnoticed. One is a paper by Sir George Peckham, a man whose name we meet with more than once as promoting voyages to distant parts. The pamphlet is interesting as showing the various impulses which were urging the stream of English enterprise towards the New World. It also serves to illustrate the many meeting-points between the great intellectual and material discoveries of that age, the revolution in the world of thought and the unveiling of a new continent. Peckham at the outset dwells on the rapidity and splendor of the Spanish conquest, and points out how the results achieved had gone far beyond those hopes which, when Columbus first avowed them, "were accounted a fantastical imagination and a drowsy dream." He then appeals to those principles of international law that were just dimly emerging out of that chaos which the wreck of the feudal and imperial systems and the change in the position of the Papacy had left behind them. "The Christians," he says, in language which a century before would to most of his countrymen have seemed meaningless, "may lawfully travel into those coun-

Peckham's Discourse on Western Planting.[1]

[1] The pamphlet is published in Hakluyt, iii. 208. It is entitled "A true Report of the late discoveries and possession taken in the right of the Crown of England of the Newfoundlands by that valiant and worthy gentleman, Sir Humphry Gilbert, Knight. Wherein is also briefly set down, her highness' lawful title thereunto and the great and manifold commodities that are like to grow thereby to the whole Realme in general, and to the adventurers in particular. Together with the easiness and shortness of the voyage. Written by Sir George Peckham, Knight, the chief adventurer and furtherer of Sir Humphrey Gilbert's voyage to Newfoundland."

tries and abide there, whom the savages may not justly impugn and forbid in respect of the mutual society and fellowship between man and man prescribed by the Law of Nations."[1] If the natives should willingly assent to our settlement, even the semblance of hostility must be avoided. One cannot but think that the dealings of Cortez with the Tlascalans were present to Peckham when he suggests that the protection of the savages from their cannibal foes may be made a groundwork for alliance and friendship. If, however, gentle means should fail, and the natives should treat the settlers as enemies, all sacred and profane history from the time of Joshua downward will justify an armed occupation. Descending to modern precedents and arguments specially applicable to the case of America, Peckham brings forward the conquest by Madoc, and rests a somewhat better claim on the discoveries of Cabot. To us in the present day all this seems little more than a formal preamble. To the men of that age, bewildered by the need for applying old ideas and principles to new circumstances, and still in bondage to the mediæval reverence for magnificent theories, a reverence scarcely impaired by the inapplicability of those theories when translated into practice, such arguments as these doubtless carried real weight. The latter part of Peckham's address, in which he speaks not as a publicist, but as an English trader and missionary, is more closely connected with our subject. The gain to be looked for from the plantation is threefold, and will accrue to the realm at large, to individual adventurers, and to the natives. By establishing a safe harbor and head-quarters more English vessels would be brought to the Newfoundland fisheries. By this means and the encouragement which it would give to trade, the settlement would increase and maintain "the greatest jewel of the realm, the chiefest strength and force of the same for offense and defense in marshall matter and manner, the multitude of ships, masters, and mariners." Moreover, it might reasonably be hoped that a demand would spring up among the natives for woolen and other wares whereby the alarming glut of labor at home might be relieved. To each class of adventurers he holds out special allurements. Noblemen and gentlemen would find all the resources of country life, whether for pleasure or profit.

[1] One odd bit of history finds it way in here. Peckham appeals to the example not only of Theodosius but of his sons Honorius and Arcadius, who "with all stout godliness most carefully imitated the foresteps of their father."

The huntsman, the falconer, the farmer would all have full scope for their pursuits. Beside fish, which apparently he reckons the chief commodity to be looked for, the country would supply timber, furs, hides, and numberless other products. In this quest for gain higher objects are not to be forgotten. The savages are to be "brought from falsehood to truth, from darkness to light, from the highway of death to the path of life, from superstitious idolatry to sincere Christianity, from the devil to Christ, from hell to heaven." Nor were they to be left without a share in the temporal gains accruing from the settlement. "Beside the knowledge how to till and dress their ground, they shall be reduced from unseemly customs to honest manners, from disordered, riotous routs and companies to a well-governed commonwealth, and withal shall be taught mechanical occupations, arts, and liberal sciences." After enumerating all the advantages which are to be expected, Peckham considers the means by which the scheme may be carried out, and meets various objections which may be brought against it. Here, at the very outset of American colonization, we meet with an error which, as we shall hereafter see, beset it throughout its whole course. There are, Peckham says, "great numbers which live in such penury and want as they could be contented to hazard their lives and to serve one year for meat, drink, and apparel only, without wages, in hope thereby to amend their estates." Gilbert's voyage showed how ill-fitted such men were, even for the task of exploring, much more for that of founding an infant state, and the whole history of English colonization in America was destined to confirm the lesson. From first to last, from the failure of Gilbert on the shores of Newfoundland, down to the day when Oglethorpe led his band of bankrupts and paupers to the savannahs of Georgia, the tendency to look on colonization as a refuge for the impoverished and incapable, was one of the chief drawbacks to the success of our American settlements.

Another document of the same kind, possibly earlier in date, is a letter addressed to the merchants of the Moscow Company, designed to set forth the immediate commercial gain likely to accrue from Gilbert's voyage.[1] The writer, Carlile, was the son-in-law of Walsingham.[2] That statesman's

Carlile's scheme.

[1] Carlile's letter is published in Hakluyt, iii. 228.

[2] Aldworth, the Mayor of Bristol, in writing to Walshingham, calls Carlile his (Walsingham's) son-in-law. The letter is in Hakluyt, iii. 228.

more distinguished son-in-law, Sidney, had already shown an interest in the projects of Gilbert,[1] possibly even a desire to anticipate them; and Walsingham himself had thought it worth while to send emissaries to spy out the state of the Spanish colonies. The combined action of Carlile, Sidney, and Walsingham reminds us how American discovery had become the meeting-point of the trader, the knight-errant, and the statesman.

Carlile's letter dwells mainly on arguments likely to appeal to merchants. Russian trade is so hindered by the jealousy of the Dutch, the Danes, and the Easterlings, that it is "fallen to very ticklish terms and to as slender likelihood of any further goodness as any other trade that may be named." Piracy and religious commotions interfered with the trade to the Mediterranean and the Levant. None of these objections could be brought against the American voyage. Unlike that to Russia, it might be made at any season of the year. The coasts of England and Ireland abounded with suitable harbors, and the voyage itself was easy and free from danger. Merchants might send their sons, their factors, and their servants without any fear of the seductions of popery. His enumeration of the commodities to be looked for is nearly the same as that given by Peckham. They agree, too, as to the class from which the settlement may be recruited. His language on this point deserves to be quoted, summing up as it does the motives which for the next thirty years offered the main incentives to colonization:

"Who knoweth not how, by the long peace, happy health, and blessed plentifulness wherewith God hath endued this realm, that the people is so mightily increased; as a great number, being brought up during their youth in their fathers' houses, without any instruction how to get their living after their parents' decease, are driven to some necessity whereby very often, for want of better education, they fall into sundry disorders; and so the good sort of people, as I said before, are by them ordinarily troubled and led on to one shameful end or other, whereas if there might be found some such fund of employment as this there would be no doubt but that a great part of them would be withheld from falling into such vile deeds, and instead thereof prove greatly serviceable in those affairs where they might be so employed. I speak of mine own experience, having seen divers come over to the wars of the Low Countries, during my residence in the same, who had been very evil livers, and by some little continuance with us have grown to be very industrious in their faculty."

The experience of Virginia thirty years later showed that the same principles cannot be applied to a camp and a civil settle-

[1] Bourn's *Life of Sidney*, p. 376.

ment. These representations so far worked upon the Moscow Company that they appointed a committee to confer with Carlile.[1] The result of the conference was embodied in a definite scheme. It was proposed that a hundred men should be settled for a year, to study the manners of the people and the best means of trade. A patent was to be obtained from the queen, giving the adventurers the right over all land which they might occupy, with the sole reservation of one-fifth of all precious metals discovered. The proceeds of the adventure were to be equally divided among those who should embark capital and the actual partakers in the voyage. The patent was to empower the holders to export settlers as they should think fit, and was to grant them a full monopoly of trade, and to restrict all other subjects of the queen from settling within a hundred leagues of the place where the plantation should be placed. This scheme, which may be looked upon as faintly foreshadowing the proceedings of the Virginia Company, does not seem to have borne any fruit. It is not unlikely that the projectors of it were discouraged by the disastrous end of Gilbert's attempt.

The task in which Gilbert had failed was to be undertaken by one better qualified to carry it out. If any Englishman in that age seemed to be marked out as the founder of a colonial empire, it was Raleigh. Like Gilbert, he had studied books; like Drake, he could rule men. The pupil of Coligny, the friend of Spenser, traveler, soldier, scholar, courtier, statesman, Raleigh, with all his varied graces and powers rises before us, the type and personification of the age in which he lived. The associations of his youth, and the training of his early manhood, fitted him to sympathize with the aims of his half-brother Gilbert, and there is little reason to doubt that Raleigh had a share in his undertaking and his failure.

Voyage of Barlow and Amidas.

In 1584 he obtained a patent precisely similar to Gilbert's.[2] His first step showed the thoughtful and well-planned system on which he began his task. Two ships were sent out, not with any idea of settlement, but to examine and report upon the country.[3] Their commanders were Arthur Barlow and Philip Amidas. To the former we owe the extant record of the voyage: the name of

[1] The proceedings of the committee are embodied in a report, epitomized by Mr. Sainsbury in his calendar of *Colonial Papers*, 1574–1660. The reference to *Colonial Papers* will apply to this series. The East India Papers will be referred to by that title.

[2] Hakluyt, iii. 297.

[3] Barlow's account of the voyage. *Ib.* iii. 301.

the latter would suggest that he was a foreigner. Whether by chance or design, they took a more southerly course than any of their predecessors. On the 2d of July, the presence of shallow water, and a smell of sweet flowers warned them that land was near. The promise thus given was amply fulfilled upon their approach. The sight before them was far different from that which met the eyes of Hore and Gilbert. Instead of the bleak coast of Newfoundland, Barlow and Amidas looked upon a scene which might recall the softness of the Mediterranean, and almost rival the tropical splendor which had revealed itself to the gaze of Columbus. The waters swarmed with fish, and the woods and meadows with game, while the fertility of the wild grapes seemed to outdo the vineyards of the Old World. Coasting along for about a hundred and twenty miles the voyagers reached an inlet, and with some difficulty entered. They then solemnly took possession of the land in the queen's name, and then delivered it over to Raleigh according to his patent. They soon discovered that the land upon which they had touched was an island about twenty miles long and not above six broad, named, as they afterwards learned, Roanoke. Beyond, separating them from the mainland, lay an inclosed sea, studded with more than a hundred fertile and well-wooded islets. For two days none of the natives appeared, but on the third, three of them in a canoe made for the shore of the island and landed. Thereupon Barlow and Amidas rowed ashore. One of the natives addressed them fearlessly, and of his own accord accompanied the strangers to their ship. There he was hospitably treated, and received some small presents at his departure; a kindness which he speedily repaid by returning with a plentiful supply of fish for both vessels. Next day a fleet of canoes appeared with some forty or fifty natives. The English admired their stature and form, and found them in their behaviour "as mannerly and civil as any in Europe." Among them was Granganimeo, the king's brother. After they had landed, his servants spread mats, upon one of which he seated himself, with four of his counselors on the other, and his men standing round at a little distance. Upon the approach of the English, weapons in hand, Granganimeo showed no fear, but received them with every mark of friendship. He explained that his brother was unable to come, having been wounded in a recent fight. The English then gave suitable presents to Granganimeo, and would have also given something to

the four chief men, but the prince asserted the royal prerogative in a primitive form by taking all the gifts and putting them into his own basket, showing at the same time by signs that all the liberality of the strangers must be reserved for him. In a day or two traffic began. A tin dish, which Granganimeo forthwith converted into a shield, sold for twenty skins, and a copper kettle, which probably did duty in the next skirmish as a helmet, for fifty. Everything which could serve as a weapon had special attractions for the savages. Hatchets, axes, and knives were all desired objects, and they would have given anything for swords, which the English prudently refused to sell. This precaution, however, neither showed nor produced any want of confidence on either side. In a few days Granganimeo's wife appeared, with a train of forty or fifty women. Encouraged by the courtesy and kindness of the natives, Barlow and seven others landed on the island of Roanoke, where, in the absence of Granganimeo, they were received by his wife. In Barlow's own words, "they were entertained with all love and kindness, and with as much bountie (after their manner) as they possibly could devise." When by chance some hunters entered the village, bows in hand, and the English for a moment showed a suspicion of treachery, their hostess at once disarmed her countrymen and drove them out of the village. The faintest symptom of distrust seemed to pain these kindly and hospitable savages. When the English refused to stay all night, the queen, though grieved at their departure, sent a guard to watch on shore by their boats, and supplied her guests with supper and bedding. Nor did the natives only show the savage virtue of hospitality. Granganimeo was true to his word and unfailing in the punctuality of his payments. Altogether Barlow might well say, "We found the people most gentle, loving, and faithful, void of all guile and treason, and such as live after the manner of the golden age." The historian who has before him so many gloomy and shameful incidents in the common history of the two races, may be forgiven for dwelling at some length on a scene where their intercourse is invested with so much grace and brightness.

The report which the voyagers took home spoke as favorably of the land itself as of its inhabitants. Granganimeo had offered in traffic a great box of pearls, and the savages wore ornaments of copper, if not of gold. The woods produced many commodities, amongst others the tallest and reddest cedars in the world.

Even with the rude tillage of the savages the corn was ready for harvest in two months from the time of sowing. Peas put in by the English grew in ten days to the height of fourteen inches. Should other resources fail, the woods offered an abundant supply of game. Such was the glowing account with which Barlow and Amidas returned to England in the middle of September. With them they brought two of the savages, named Wanchese and Manteo. A probable tradition tells us that the queen herself named the country Virginia, and that Raleigh's knighthood was the reward and acknowledgment of his success.[1]

Raleigh's first colony.[2]

On the strength of this report Raleigh at once made preparations for a settlement. A fleet of seven ships was provided for the conveyance of a hundred and eight settlers. The fleet was under the command of Sir Richard Grenville, who was to establish the settlement and leave it under the charge of Ralph Lane. It is easy to be wise after the event, yet it would almost seem as if in the selection of commanders, Raleigh showed less discretion than might have been expected from him. For Grenville's courage and capacity it is enough to say that in in the age of Drake and Hawkins he stood in the first rank of English heroes. Events, however, soon showed that the task in hand needed something more than a brave and accomplished sea-captain. Lane was a well-born adventurer; one of those men of restless temper, versatile powers, and changeful career, of whom that age was so fruitful. He had served in the royal army during the great rising of the North in 1569. He had offered to raise an English contingent for the Spanish king against the Turk. Failing that, he had offered to serve the King of Fez against the Spaniard. If he might not serve under the banner either of Rome or Islam, he was willing to fight for the Protestant faith under the Prince of Orange. In the matter of civil employment his tastes and capacities seem to have been equally catholic.

[1] Prince's *Worthies of Devon* (ed, 1810), 669. It seems impossible to ascertain the exact date of Raleigh's knighthood. He is first called Sir Walter by the Commons' Journals for the 24th of February, 1584–5.

[2] The materials for the history of Raleigh's first colony are very ample. They are, 1. A diary by one of those who sailed and returned with Grenville. 2. An account of the doings of the colony addressed by Lane to Raleigh. 3. An account by one of the settlers, Thomas Heriot, an educated and scientific man. 4. A letter from Lane to Richard Hakluyt of the Middle Temple, a cousin of the more famous Hakluyt. These are all published in Hakluyt's third volume. In addition to these, there are published in the fourth volume of the *Archæologia Americana* some original letters written by Lane from Virginia, and a short sketch of his life, very carefully worked out by Mr. Hale, who seems to have exhausted all the available materials on the subject.

In scarcely a document does his name appear in which he is not an applicant for some office under the Crown. At one time he is an equerry at court, and a hanger-on to Leicester. Then he holds what would now be a post in the Customs office. That he was a brave and skillful soldier may be inferred, not only from the whole tenor of his conduct in Virginia, but from the fact that seven years later, at a council of war held before the sailing of the Armada, he was the only man present of a lower rank than that of knight. But the courage and capacity of a soldier is only one of the qualities needed for the government of a new settlement, and when coupled with such tastes and such a character as Lane's career indicates, mere courage is more likely to do harm than good. As might have been expected, Lane engaged the colony in enterprises for which it was wholly unfitted, and which ultimately proved fatal to its very existence. The character of the colonists was not altogether such as to make amends for any shortcomings in their leaders. Many, according to the description of one of the voyagers, "after gold and silver was not so soon found as it was by them looked for, had little or no care of any other thing but to pamper their bellies." Many "had little understanding, less discretion, and more tongue than was needful or requisite. Some also were of a nice bringing up, only in cities or towns, or such as never, I may say, had seen the world before. Because there were not to be found any English cities, nor such fair houses, nor at their own wish any of their accustomed dainty food, nor any soft beds of down or feathers, the country was to them miserable, and their reports thereof according."

On the 9th of April the emigrants set sail. On the 13th of May they touched at the island of St. John, in the West Indies. There they established a fortified camp, and remained for seventeen days, laying in stores. During this time an event occurred which seems to have alienated Lane and Grenville, and so to have had an injurious effect on the fortunes of the settlement. Grenville, according to Lane's account, sent him to get a supply of salt, assuring him that as there was no fear of being molested by the Spaniards, twenty-five men would be a sufficient force. Contrary to expectation, the Spaniards appeared with forty horse and three hundred foot. No immediate mischief seems to have ensued, but it is clear from a letter written by Lane long after, that he felt aggrieved, and it seems probable that his distrust of Grenville was one of the causes which brought the colony to a

disastrous end.[1] On the 5th of June the colony touched at Hispaniola, and were most courteously received and entertained by the Spaniards. The "wiser sort," however, among the English, recalled the fate of Oxenham, and the reception of Hawkins at Ulloa, and "did impute this great show of friendship and courtesy used towards us by the Spaniards, rather to the force that we were of, and the vigilancy and watchfulness that was amongst us, than to hearty good-will or more friendly entertainment."[2] The spectacle of the growing riches and prosperity of the settlements in the West Indies evidently made a deep impression on Lane, and suggested to him a vulnerable spot in the Spanish empire.[3] On the 20th of June the fleet reached the coast of Florida, and three days later narrowly escaped being cast away off Cape Fear. In a few days more they anchored at Wococon, an island near Roanoke. In entering the harbor, the largest ship, the Tiger, struck on a sand-bar, and was nearly lost, either through the clumsiness or treachery of the pilot, Simon Fernando, a Portuguese.[4] On the 11th of July Grenville, with forty others, including Lane, Amidas, and the chief men of the expedition, crossed over to the mainland. Taking a northerly direction, they explored the coast as far as Secotan, an Indian town some sixty miles south of Roanoke, where they were hospitably received by the savages. It is melancholy, after the bright picture of the intercourse between the natives and the English drawn by Barlow, to have to record hostilities, in which by far the greater share

[1] In a letter written by Lane to Walsingham from Virginia, and sent back by the fleet, we find him complaining that their arrival had been delayed "wholly through the fault of him that intendeth to accuse others." Writing somewhat later to Walsingham he speaks more plainly. "Sir R. Greenfeelde (*sic*) general hath demeaned himself from the first day of his entry into government at Plymouth, until the day of departure from hence over the bar, in the Port Fernando, far otherwise than my hope of him . . . and particular how tyrannous an execution without any occasion of my part offered, he not only purposed, but even propounded the same to have brought me by indirect means and the most untrue surmises to the question for my life." Here as elsewhere I have modernized the spelling, which in Lane's case is not only antique but bad. In the two documents published by Hakluyt it has evidently been corrected.

[2] Hakluyt, iii. 309.

[3] Thus we find him writing to Sidney in a letter sent back by Grenville's fleet. "If her Majesty shall at any time find herself burdened with the King of Spain, we have, by our dwelling upon the island of St. John and Hispaniola for the space of five weeks, discovered the forces thereof with the infinite riches of the same, as that I find it an attempt most honorable, feasible and profitable, and only fit for yourself to be chief commander in. This entry would so gall the King of Spain as it would divert his forces that he troubleth these parts of Christendom with, into those parts where he cannot greatly annoy us with them."

[4] This is the account given by the anonymous writer in Hakluyt. Lane, on the other hand, in a letter to Walsingham, praises the conduct of Fernando highly. But it is clear that in White's expedition two years later he dealt treacherously with the English.

of blame lay with our countrymen. On the voyage back to Roanoke a silver cup was stolen from the English at one of the Indian villages. In revenge the English put the inhabitants to flight, burned the village and destroyed the crops. On the 3d of August one ship sailed home, and on the 25th Grenville left the colony, followed, as it would seem, during the course of the next month by the rest of the fleet.[1] The accounts of the country sent home by Lane fully confirmed the praises given to it by Barlow and Amidas. "It is the goodliest and most pleasing territory of the world; for the continent is of an huge and unknown greatness, and very well peopled and towned, though savagely, and the climate so wholesome that we had not one sick since we touched the land here. To conclude, if Virginia had but horses and kine in some reasonable proportion, I dare assure myself, being inhabited with English, no realm in Christendom were comparable to it. The people naturally are most courteous, and very desirous to have clothes, but especially of coarse cloth rather than silk; coarse canvas, they also like well of, but copper carrieth the price of all, so it be made red. All the kingdoms and states of Christendom, their commodities joined in one together, do not yield more good or plentiful whatsoever for public use is needful or pleasing for delight." The colonists had not found one stinking weed in the whole country. Lane professed himself "better contented to live with fish for his daily food and water for his daily drink in the prosecution of such an action, than out of the same to live on the greatest plenty that the court could give him," emphatic praise, no doubt, from so resolute a place-hunter. There was, however, a dark side to the picture. Lane describes himself as "having amongst savages the charge of wild men of mine own nature, whose unruliness is such as not to give leisure to the guards to be almost at any time from them," an account fully borne out by the passage already quoted from Heriot.[2]

The site of the settlement was at the northeast corner of the island of Roanoke, whence the settlers could command the strait.

[1] Three of Lane's letters, two to Walsingham and one to Sidney, are dated the 12th of August, and were therefore in all probability sent by Grenville. It is worth notice, that in these no explicit charge is brought against Grenville, and there is only a faint allusion to his quarrel with Lane. In Lane's third letter to Walsingham, dated the 8th of September, Grenville's misconduct is denounced at great length. It is clear that as this letter was written after Grenville sailed, at least one ship must have stayed behind.

[2] Lane to Sidney.

There even now, choked by vines and underwood, and here and there broken by the crumbling remains of an earthen bastion, may be traced the outlines of the ditch which inclosed the camp, some forty yards square, the home of the first English settlers in the New World.[1]

Lane's explorations.[2]

Of the doings of the settlers during the winter nothing is recorded, but by the next spring their prospects looked gloomy. The Indians were no longer friends. Granganimeo was dead, and his brother Wingina, or as he was now called, Pemissapan, was only withheld by his father Elsenor from showing active hostility to the English.[3] The settlers, unable to make fishing weirs, and without seed corn, were entirely dependent on the Indians for their daily food. Under these circumstances, one would have supposed that Lane would have best employed himself in guarding the settlement and improving its condition. He, however, thought otherwise, and applied himself to the task of exploring the neighboring territory. The first journey of discovery was directed northwards to the territory of the Chesepians, a tribe of Indians seated on a small river, called now the Elizabeth, and lying to the south of Chesapeake Bay. They found the soil fertile, and well timbered with walnut and sassafras. In March the English undertook the more formidable task of exploring inland towards the west. Sailing up a broad sheet of fresh water, now Albemarle Sound, and along the river Chowan, they reached a tribe of Indians called the Chowanoks. With them the settlers had some hostile dealings, since Lane states, though without any details, that he took prisoner their king, Menatonon, and his son. The former was impotent in his limbs, but "a very grave and wise man, and of a singular good discourse," and well informed in the affairs of the neighboring tribes. The Indian's wisdom and good discourse were perhaps none the less that they were certainly not employed for the benefit of the strangers. Lane's idea evidently was that the settlement was to be merely subordinate to the discovery of pearl fisheries and

[1] *Archæologia Americana*, iv. 24.

[2] In the account of the geography of Lane's journeys I have followed Stith's *History of Virginia*. The writer had evidently studied the chief authorities with care, and he knew the country.

[3] This is a good instance of the Virginian mode of succession. Pemissapan is chief, although his father Elsenor is alive, as the succession is through females. Yet Elsenor enjoys a recognized though informal position of influence. We can see how this might develop into the ordinary system of male succession. We shall meet with other changes of name, such as that from Wingina to Pemissapan.

mines,[1] and he was ready to believe any reports which held out such hopes. Menatonon succeeded in persuading him that on the coast to the northeast, in the country of the Mangoaks, near the mouth of the river Moratoc, now the Roanoke, there was a pearl fishery. Farther up this river, the Indian assured Lane, he would find a rich supply of a metal called wassador, while a little beyond the head of the stream was a sea. The prospect of a pearl fishery, a river full of precious metals, and a passage to the South Sea, would have lured most adventurers of that age, and the evidence on which these hopes rested was at least as good as that which led Raleigh to believe in the golden city of Manoa. Lane seems to have had no lack of military skill, and the plan of action which he now devised was sound and well considered He proposed to explore the Moratoc, and to leave at intervals of two days' march posts of fifteen or twenty men, well armed and victualed, so as to keep up a complete chain of communication between the boats and his main body. He would then erect a fort on the farther sea, and transfer the colony thither, as he already had been put to inconvenience by the insufficiency of harborage at Roanoke. He first, however, undertook a preliminary voyage of exploration. In spite of Pemissapan's hostility, Lane so far took him into his confidence as to tell him of his projected journey, and to ask him for a guide to the country of the Mangoaks. The Indian used the knowledge thus gained to spread alarming reports about the English among the tribes through whose territory they would have to pass. Through his intrigues the supplies of corn which Lane had somewhat rashly reckoned on were not forthcoming, and the explorers found themselves on the river Moratoc, a hundred and sixty miles from their settlement, with only two days' food. Upon this Lane took counsel with his followers whether to go on or to retreat. Englishmen of that age were not wont to turn back when either honor or profit lay before them, and the decision was to persevere as long as the corn held out. There were two mastiffs with the party, and to these, boiled with sassafras leaves, the party of forty men would trust for their sustenance on the homeward journey. For two days they pushed on. On the evening of the second day a horn was heard, and the explorers were gladdened

[1] Lane himself says in his report to Raleigh, "The discovery of a gold mine, by the goodness of God, or a passage to the South Sea, or some way to it, and nothing else, can bring this country in request to be inhabited by our nation." Hakluyt, iii. 316.

by what they believed to be a cry of welcome. Manteo had scarcely dispelled their hopes by telling them to expect an attack, when his words were confirmed by a flight of arrows, which luckily fell harmless. A sally was made, but the savages escaped under cover of the woods, and were no more seen. By this time the company had already "come to their dogges porridge," and it seemed hopeless to go farther. The current fortunately ran so strong that their boats went down in one day what it had taken them four to run up. Before they reached the mouth of the river their dogs were finished, and they were reduced to sassafras leaves alone. By good fortune they found some Indian weirs, which supplied them with fish, and the party arrived safe at Roanoke.

Troubles with the Indians.

Lane's absence had been a source of danger to the settlement. Pemissapan had spread a report among the Indians that part of Lane's band had been cut off by the Indians, and the rest starved in their wanderings. The superstitious dread which the savages had felt towards the God of the white men was for a time turned to contempt, and Elsenor could scarcely withhold his countrymen from an attack on the settlement. When, however, Lane reappeared with all his men safe, and bringing with him Menatonon's son Skico, whom he still held prisoner, all the awe which the savages had formerly felt revived. Various events combined to strengthen this impression. An epidemic sickness was raging through the country, and it so chanced that it fell with special violence on those villages in which any treachery had been practiced against the English.[1] So great was the impression produced that the Indian wise men explained the deaths as caused by the invisible bullets of the strangers, and in many cases the savages came to entreat the settlers to use their mysterious power against hostile tribes. Religious teaching, when it seemed to be enforced by such outward marks of success, was, as might be expected, eagerly received. So great, Heriot tells us, was their reverence for the Bible that "many would be glad to touch it or embrace it, to kiss it, to hold it to their breasts and heads, and stroke over all their body with it, to show their living desire of that knowledge that was spoken of." Even the bitterest enemy of the settlers, Pemissapan, being dangerously ill, and fancying that he was suffering under the wrath of the white man's God, sent to beseech the in-

[1] Heriot mentions this, but not in any spirit of superstition.

tercession of the English; and this example was followed by many of his subjects. The conduct of Menatonon contributed to the same results. Not only did he endeavor to ransom his son, but he sent a message to say that he had commanded Okisko, king of Weopomeiok, to yield himself servant and homager to the great Weroanza[1] of England, and that Okisko had sent back twenty-four men to Roanoke to declare his submission. This had so great an effect on Pemissapan that he persuaded his people to make fishing weirs for the English, and to sow their corn land. These brighter prospects, however, were soon overclouded. In April Elsenor died, and the enemies of the English gained the upper hand in the councils of the nation. Sudden and violent changes, without any adequate motive, are among the chief characteristics of savage policy, and almost immediately upon the death of Elsenor a wholesale massacre of the strangers was arranged. The care with which it was planned, and the magnitude of the forces collected, shows how much impressed the savages were with the power of the English. A force of more than fifteen hundred warriors of different tribes was to assemble at Dasamonpeake, a point in the mainland opposite to the English settlement. Pemissapan himself was to join the party at Dasamonpeake, while his people at Roanoke cut off the supplies of the English. Their fishing weirs were to be broken, and it was hoped that by this means Lane would be forced to scatter his forces over the island in quest of food. When the fort was sufficiently weakened, the leading men were to be cut off by a night attack. Pemissapan hoped that the rest, scattered and without leaders, would fall an easy prey. In all these projects Pemissapan reckoned on the help of Skico, the son of Menatonon, whom he had once saved by his intercession, when Lane had condemned him to death for an attempt to escape. Lane's subsequent kind treatment, however, had wiped out any evil effects of this severity, and Skico, preferring his captors to his countrymen, betrayed all Pemissapan's designs. Lane thus informed, took steps to anticipate the attack. He sent word to Pemissapan that, having heard of the arrival of the English fleet, he meant to go to Croaton, a neighboring island to the north, where the new-comers would probably land, and that he should touch at Dasamonpeake by the way to get supplies of corn, and men to help him in fishing and hunting. Pemissapan, thinking,

[1] An Indian title of dignity. The more usual form is Weroance.

it may be, that Lane had some suspicions, did not allow him to run into what seemed an open trap, but promised to come himself to Roanoke. Lane, however, finding that large forces were assembling at Dasamonpeake, resolved to be beforehand, and at once to cripple his enemies on the island by seizing their canoes before those on the mainland could attack him. Accordingly, an officer, whom Lane somewhat oddly calls the Master of the Light Horse, was sent on this duty. Carrying out his instructions, he seized a canoe and killed its two occupants. The Indian spies, who were now constantly on the watch, saw this and gave the alarm, and a skirmish ensued. The savages, however, dared not face the firearms, and fled into the wood. The next day Lane adopted the policy which has so often served the civilized man against the savage, and anticipated hostilities by an attack. Landing at Dasamonpeake, he obtained an audience from Pemissapan. As soon as Lane came into the presence of his enemy, heedless of superior numbers, he gave the signal agreed on. Most of the chiefs were at once shot down; Pemissapan, struck by a pistol bullet, lay for dead; then, seizing a moment when his foes were engaged, he started up and fled away. Lane's attendant, however, a brave Irishman, pursued the chief to the woods, and soon returned with his enemy's head.

Just as the colony had been saved from utter destruction by the courage and coolness of its leader, there came tidings of possible danger from another source. Pemissapan fell on the 1st of June, and on the 8th Captain Stafford, who had been sent to a neighboring island with a detachment of some twenty men to relieve the resources of the settlement, returned with the report of twenty-three sail seen out at sea. There was little likelihood of so large an English fleet in these waters, and for a time it must have seemed as if the settlement had escaped the savages only to fall into the hands of a worse foe, and to be massacred by Spaniards, as a French colony in Florida had been some ten years earlier. On the next day Stafford, who had been sent out to reconnoitre, returned with good news. The fleet was under the command of Drake, and had just sailed from the Spanish Main, laden with the spoils of San Domingo and Carthagena. Stafford brought with him a letter from the great sea-captain, offering assistance in any form that Lane might wish. After all the difficulties and dangers which the colony had undergone, it says not a little for Lane's courage and perseverance

Departure of the colonists.

that he should not at once have seized the opportunity to give up his task and to remove the colony. His request was to be allowed to send off a number of his men who were weak and unfit for action, and to receive from Drake, in their place, boatmen, craftsmen, and others. He also asked for some competent seamen to search out a better harbor, and if necessary to bring the settlers back to England, and for shipping a supply of weapons, tools and victuals. After consulting his captains, "according to his usual commendable manner of government," Drake assented to Lane's request. He placed the Francis, a vessel of seventy tons, with two pinnaces and four small boats, with four months' victual, at Lane's disposal. He also sent two masters with gangs of men to employ themselves as Lane should direct. The assistance so liberally given was not fated to reach the colony. On the very day that the ship made for Roanoke, a storm blew up and raged so for four days that the Francis was driven out to sea and seen no more by the settlers. Drake at once endeavored to repair the loss, and offered to send, in place of the Francis, the Bonner, a bark of one hundred and seventy tons, leaving her in the roads, as he did not dare to bring her into the harbor. At length the courage of the settlers failed them. They had narrowly escaped famine and massacre. They had expected supplies in April, yet now in June none had arrived. It seemed very doubtful whether the affairs of the Low Countries had not entirely diverted the thoughts of men in England from the colony. Probably his hostility to Grenville had a share in making Lane distrustful of assistance. What wonder if in the loss of the help sent them by the Francis the settlers saw the very hand of God stretched out against them and despaired. A request, unanimous, as it would seem, asking for a passage to England was granted by Drake. Fortune seemed resolved to persecute the settlers to the last. As Drake's pinnaces were taking them off, the sea became so boisterous that it was necessary to throw overboard most of the goods, with all their drawings, books, and writings. One record of the settlement happily escaped. John White, a leading man among the settlers, was an accomplished draftsman, and the paintings may yet be seen in which he set before the eyes of Europeans the strange men and wondrous scenes of the New World.[1]

[1] White's drawings are in the Sloane collection in the British Museum. Some of them were copied in De Bry's collection. There is a full account of them in the *Archæologia Americana*, iv. 21.

The help of which the colonists had despaired was in reality close at hand. Scarcely had Drake's fleet left the coast when a ship, well furnished by Raleigh with needful supplies, reached Virginia, and after searching for the departed settlers, returned to England. About a fortnight later Grenville himself arrived with three ships. He spent some time in the country exploring, searching for the settlers, and at last, unwilling to lose possession of the country, landed fifteen men at Roanoke, well supplied for two years, and then set sail for England, plundering the Azores, and doing much damage to the Spaniards by the way.[1]

Grenville's voyage.

If the failure of his colony was likely to deter Raleigh from further efforts, this was more than outweighed by the good report of the country given both by Lane and Heriot. Accordingly, in the very next year, Raleigh put out another and a larger expedition under the leadership of John White. The constitution of White's expedition would seem to show that it was designed to be more a colony, properly speaking, than Lane's settlement at Roanoke. A government was formed by Raleigh, consisting of White and twelve others, incorporated as the governor and assistants of the city of Raleigh. Of the hundred and fifty settlers, seventeen were women, of whom seven seem to have been unmarried. The emigrants evidently did not go as mere explorers or adventurers; they were to be the seed of a commonwealth. Stafford, who had done such good service to Lane's colony, was among the voyagers. So, too, were Wanchese and Manteo. The chief feature in the voyage was the suspicious conduct of Fernando, the pilot, in whose hands two years before the Tiger had been so nearly cast away. Only eight days after leaving Plymouth he "lewdly forsook the fly-boat," leaving her distressed in the Bay of Biscay. Every attempt to take in supplies, whether of food, water, or salt, was hindered by him, and off Cape Fear the fleet was only saved from the fatal results of his misconduct by the care and watchfulness of Stafford. On the 2d of July the fleet reached Hateraask, the port at which Grenville had landed on his last voyage. There White took fifty men ashore to search for the fifteen

Raleigh's second colony.[2]

[1] This voyage is shortly related in Hakluyt, iii. 323.

[2] We have an account of this colony by White himself. Hakluyt, iii. 349. The writer in a letter to Hakluyt apologizes for the homely style, "especially for the contentation of a delicate eare." It is not impossible that Hakluyt in this and other instances may have softened down some of the homeliness.

whom Grenville had left there. They found nothing but the bones of one man, slain, as they afterwards learned, by the Indians. The rest had disappeared, and it was not until some time afterwards that their countrymen learned any tidings of their fate. Ignorant, no doubt, of the altered feelings of the natives, Grenville's men had lived carelessly, and kept no watch. Pemissapan's warriors had seized the opportunity to revenge the death of their chief, and had sent a party of thirty men against the English settlement. Two of the chief men were sent forward to demand a parley with two of the English. The latter fell into the trap, and sent out two of their number. One of these was instantly seized and killed, whereupon the other fled. The thirty Indians then rushed out and fired the house in which the English settlers took refuge. The English, thus dislodged, forced their way out, losing one man in the skirmish, and at last, after being sorely pressed by the arrows of their enemies, and by their skill in fighting behind covert, they reached the boat and escaped to Haterask. After this neither Indians nor English ever heard of them again.

It will be remembered that Lane had entertained the plan of moving his settlement from the island of Roanoke to a point on the mainland. Probably, by his advice, White had intended, after searching for Grenville's men, to return to the fleet and to make for the shores of Chesapeake Bay. Persuaded, however, by Fernando, the emigrants pressed White to re-settle the fort at Roanoke, a plan which he adopted, though apparently against his own judgment. On the 5th of July the colonists were gladdened by the unlooked-for arrival of the fly-boat. Three days later they had their first meeting with the Indians. To many of the savages, probably to all the immediate subjects of Pemissapan, an Englishman was now a natural enemy to be slain whenever seen. Howe, one of the twelve assistants, unwarily fishing two miles from his comrades, was seen by the savages, who instantly shot him with arrows, and then put him to death with their wooden swords. One account says that he received sixteen arrow wounds. If, after this, he still required to be slain, Indian archery cannot have been very efficient. The Indians had apparently been taught by Lane that an Englishman's death was not likely to go unpunished, for without waiting to see what followed, they fled, not even staying long enough to gather their crops. At the end of the month Stafford led an exploring party to Croaton, under the guidance of

Manteo, whose kindred dwelt there. At first the savages drew up as if they would have fought, but seeing the English advance they fled. They were soon recalled by hearing Manteo speak in their own tongue. Assurances of friendship were then given on each side, and the savages asked for some badges, as a token whereby the English might know the friendly tribes from their enemies on the mainland. It was arranged that the islanders should endeavor to bring over those of the mainland on the understanding that all the past offenses against the English should be forgiven. Nothing, however, came of this, and on the 9th of August Stafford was again sent out from Roanoke with Manteo as his guide, this time to attack the natives on the mainland. They fell upon a party of Indians by night, and in the darkness narrowly escaped an indiscriminate slaughter of men and women. Luckily, only one Indian was slain before the English discovered that the supposed enemies were a party of their allies from Croaton, who had come to gather in the crops which the fugitives had left behind. Happily the good offices of Manteo prevented any quarrel. These and his other faithful services were acknowledged shortly after, when, by the command of Raleigh, he was baptized and somewhat grotesquely ennobled by the titles of Lord of Roanoke and Dasamonpeake. To one who could foresee the future of the American Indians, Manteo with his meaningless titles might have seemed the first fruits of a gigantic sacrifice, the type of a race whom civilization could but deck with its idle frippery, while it slew them by thousands on its altar. A more hopeful omen might be drawn from the birth of a child five days later, the first born to English parents in the New World. Her father, Ananias Dare, was one of the twelve assistants, and her mother, Eleanor, was the daughter of John White. Each event, the birth of Virginia Dare, the baptism and ennobling of Manteo, was trivial in itself, yet when brought together, the contrast gives them a solemn meaning. It seemed as if within five days the settlement of Roanoke had seen an old world pass away, a new world born.

In August, White wished to send home two of the assistants to represent the state of the colony, but, for some reason, none of them were willing to go. The wish of the colony generally seemed to be that White himself should undertake the mission. After some demur, chiefly on the ground that his own private interests required his presence in the set-

White's return.

ment, White assented, and on the 27th of August he sailed. After a long and painful voyage, the result of contrary winds, White landed in Ireland on the 18th of October, and on the 8th of November he reached Southampton. With him there landed an Indian, in all likelihood that Wanchese who, with Manteo, had accompanied Amidas and Barlow on their homeward voyage. He, too, accepted the religion of his new masters. Bideford Church was the scene of his baptism, and another year had scarcely passed when it witnessed his burial. No fitter resting-place could be found for the bones of the Virginia wanderer than that Western land, the home of Gilbert and Raleigh and many another in that goodly company, without whom Virginia might for another century have been an untamed desert.

Soon after White's return Raleigh fitted out a fleet under the command of Grenville.[1] Before that fleet could sail Raleigh and Grenville were called off to a task even more pressing than the relief of the Virginia plantation. Yet, notwithstanding the prospect of a Spanish invasion, White persuaded Raleigh to send out two small vessels, with which White himself sailed from Bideford on the 25th of April, 1588. The sailors, however, fell into the snare so often fatal to the explorers of that age. In the words of a later writer, whose vigorous language seems to have been borrowed from some contemporary chronicler, the captains, "being more intent on a gainful voyage than the relief of the colony, ran in chase of prizes; till at last, one of them meeting with two ships of war, was, after a bloody fight, overcome, boarded, and rifled. In this maimed, ransacked, and ragged condition she returned to England in a month's time; and in about three weeks after the other also returned, having perhaps tasted of the same fare, at least without performing her intended voyage, to the distress, and, as it proved, the utter destruction of the colony in Virginia, and to the great displeasure of their patron at home."[2] Raleigh had now spent forty thousand pounds on the colonization of Virginia, with absolutely no return. In March, 1589, he made an assignment, granting to Sir Thomas Smith, White, and others, the privilege of trading in Virginia, while he proved at the same time that he had not lost

Attempts to relieve the colony.

[1] The preparation for this voyage under Grenville and the failure of the next are told in Hakluyt in the first edition, that of 1589 (p. 771), but do not appear in the later edition, that of 1600.

[2] Stith's *History of Virginia*, p. 25. I do not know what authority this writer may have had access to. His account substantially agrees with that in Hakluyt just referred to.

his interest in the undertaking by a gift of a hundred pounds for the conversion of the natives.[1] The unhappy colonists gained nothing by the change. For a whole year no relief was sent. When, at length, White sailed with three ships, he or his followers imitated the folly of their predecessors, and preferred buccaneering among the Spaniards in the West Indies to conveying immediate relief to the colonists.[2] On their arrival nothing was to be seen of the settlers. After some search the name Croaton was seen carved on a post, according to an arrangement made with White before his departure, by which the settlers were thus to indicate the course they had taken. Remnants of their goods were found, but no trace of the settlers themselves. Years afterwards, when Virginia had been at length settled by Englishmen, a faint tradition found its way among them of a band of white captives, who, after being for years kept by the Indians in laborious slavery, were at length massacred.[3] Such were the only tidings of Raleigh's colonists that ever reached the ears of their countrymen. White, with his three ships, returned, and the colonization of Virginia was for a time at an end. Even Raleigh's indomitable spirit gave way, and he seems henceforth to have abandoned all hope of a plantation. Yet he did not, till after fifteen years of disappointment and failure, give up the search for his lost settlers. Before he died the great work of his life had been accomplished, but by other hands. In spite of the intrigues of the Spanish court and the scoffs of playwrights, Virginia had been settled and had become a flourishing colony. A ship had sailed into London laden with Virginian goods, and an Indian princess, the wife of an Englishman, had been received at court, and had for a season furnished wonder and amusement to the fashionable world.

England, under the Tudors, had done great things, but the colonization of America was not destined to be among them. **Conclusion.** The yeomen and citizens of England had to undergo other training ere they were fit to be the founders of a great empire beyond the Atlantic. They were to go through trials which should beget in them a sternness of spirit and a steadfastness of purpose to which the age of Elizabeth was a stranger. Raleigh was in his life the embodiment of that age, and in his death it

[1] Hakluyt, ed. 1589, p. 815.

[2] This voyage is related at length in the later edition of Hakluyt, iii. 350.

[3] Strachey's *Travayle into Virginia Britannia*, Hakluyt Society's Publications, p. 26. The author of this work will come before us at a later time.

passed away. The curtain fell on that splendid drama, in which Drake and Hawkins, Grenville and Howard, had played their part so well, when Raleigh came back from the Guiana voyage to linger in prison palsied and broken-hearted, and at length to perish by the intrigues of that very foe whom he had taught England to abhor and defy. The opening years of the seventeenth century bring in a new era of colonial history. We pass, as it were, from a dreamland of romance and adventure into the sober atmosphere of commercial and political records, amid which we faintly spell out the first germs of the constitutional life of British America.

CHAPTER V.[1]

SPANISH AND FRENCH SETTLEMENTS IN AMERICA DURING THE SIXTEENTH CENTURY.

Prospects of colonization among the nations of Europe.

Before we deal with English colonization during the seventeenth century, it will be well at least to glance at the efforts which other nations had been making in the same direction, and at the causes which left England a clear field on the coast of North America. From two only of the great nations of Europe, Spain and France, had England any rivalry to dread. Italy was threatened by foreign ambition and rent asunder by intestine strife. The greatness of her maritime republics had already waned, and the skill of her seamen was employed for the profit and glory of every nation save herself. The enterprise of Portugal was effectually kept within bounds by the jealousy of her great neighbor. In another quarter, too, Spain was unconsciously aiding England. Fifty years later English colonists and traders had for their rivals a nation of the same blood, of closely kindred speech, and in many respects of the like temper with themselves. The mixture of enthusiastic courage with practical sense, the love of enterprise combined with and assisting a sound and business-like aptitude for commerce, were features common to both English and Dutch. But before Holland could become a great colonizing power she had to become free. The soldiers of Alva and Parma left her little leisure for enterprises beyond the Atlantic, and thus here as elsewhere, Spain, while doing its

[1] I have throughout this chapter relied mainly on that exceedingly valuable work, Mr. Parkman's *Pioneers of France in the New World.* Mr. Parkman's book is based partly on published authorities, some of them translated into English, some extant only in French and Spanish, partly on MSS. I have collated Mr. Parkman's book with his authorities, where they are either French or English and in an accessible form. As I am no Spanish scholar, and as much of Mr. Parkman's material lies beyond the reach of an English student, I have there been obliged to follow him, and am thankful to have so clear and trustworthy a guide.

utmost to thwart English colonization, was in reality acting as its ally. England then had only two rivals in the field, Spain and France. As events proved, it was from the second that she had most to fear. At the outset, however, France must have seemed but a feeble competitor compared with Spain, and the latter has, at least in order of time, the best claim on our attention. With the Spanish conquerors in America, and their rapid and dazzling triumphs, we are but indirectly concerned. That which belongs to our subject is not the success of Spain, but her failure. The events which baffled all her efforts to obtain a footing north of the Mississippi have a double interest for us. Their result was to keep open for the English nation that very region which above all others was best fitted for the development of its special powers. Moreover, the causes which brought about the failure are in themselves instructive, as illustrating better, perhaps, than anything else could, the different temper in which the two nations, England and Spain, approached the difficulties of colonization.

Spain as a colonizing power.

In the beginning of the sixteenth century it might well have seemed as if the whole North American continent was destined to become a province of Spain. Nothing, indeed, more strongly illustrates the temper of Englishmen in that age, at once hopeful and steadfast, than the stubborn courage with which they set to work to overthrow what might well have seemed the assured monopoly of Spain in the treasures of the New World. Nowhere in the English writers of that age do we find any doubt as to the possibility of ousting Spain or at least achieving an equal success. Yet to any but enthusiasts the task might well have seemed hopeless. In the possession of the islands Spain seemed to have the one thing needful for the conquest of the whole continent, a basis of operation, easy of approach and richly supplied with resources. That the conquerors should soon turn their attention to the lands north of the Gulf of Mexico was but natural. The task of slowly and laboriously improving the territory already gained was not that for which Spaniards sought America. Love of adventure, thirst for conquest, a vague belief in boundless treasures to be found somewhere, these were the feelings with which every Spanish adventurer set forth. It would be indeed unjust to make no distinction between a wise and high-minded man like Cortez, with much of the crusader and not a little of the statesman in his nature, and the fierce and greedy scum of ruffians who brought disgrace on the Spanish name. In many,

perhaps in most, of the Spanish conquerors, evil motives and good, love of gold and conquest, and an earnest zeal to recover lost souls, were blended, though in very different degrees. But one feature marked them all. All set out in a vague spirit of knight-errantry as different as possible from the business-like, calculating temper of the English adventurers. Had the Spaniards really known how few of such things as they deemed good they could find north of the Mississippi, how poor a field the country offered for that kind of warfare in which they excelled, we can hardly suppose that they would have ever attempted to explore the coast of Florida. As it was, the hope which first had led them thither was even more wildly romantic than that which allured them towards the shores of the Pacific and the treasure-houses of the South.

Floating down from the early days of Icelandic sagas there came through the Middle Ages a vague tradition of a magic fountain endowing all who drank of it with endless life and unfading youth. On such a quest had the Norse sea-rovers, in more than one way the forerunners of the Spanish conquerors, sailed forth into the western seas. The New World seemed to the generation which discovered it a very treasure-house of wonders, a fitting abode for what might have appeared fabulous elsewhere. In 1512 a Castilian adventurer, Juan Ponce de Leon, set out in quest of the life-giving fountain. Its supposed site was in the island Bimini among the Lucayos. Mixed up with this hope was the belief in a river to be found on the mainland gifted with like virtues. The strange medley of mediæval geography and the belief that the newly-discovered lands were in reality part of the Asiatic continent, is illustrated by a rumor that this river was no other than the Jordan. As with more than one of the followers of Columbus, De Leon's quest for the fabulous brought substantial discoveries in its train. Having failed in their object in Bimini, the explorers touched upon the mainland. The tropical splendor of the coast was commemorated in its name of Florida, and on his return to Spain De Leon was solemnly appointed Adelantado of the newly-discovered territory. His next expedition, made seven years later, was less prosperous. The wonder-working spring still eluded him, and in a skirmish with the Indians of the mainland he received his death-wound.

Ponce de Leon.[1]

[1] Ponce de Leon's two expeditions are told in Parkman. v. 6.

The adventures of Ponce de Leon bring before us the Spanish explorer in his imaginative mood. The next attempts with which we are concerned show us a more practical and less attractive side of his character. As early as 1520 Spanish tyranny had lessened the supply of native slaves in Hispaniola. Accordingly, one Lucas de Ayllon bethought him of importing a cargo from the mainland. He landed on the coast of Florida, and, like Amidas and Barlow, was kindly received by the natives. So friendly were the relations between them that at length one hundred and thirty of the natives ventured on board Ayllon's vessel. Thereupon the Spaniard weighed anchor and made off with his prey. The venture, however, proved a failure. Already many of the islanders had by a voluntary death escaped from the tyranny of their new masters. As might have been expected, the fierce warriors of the mainland did not show a more submissive spirit. Many refused food, others pined from grief and homesickness. Nearly all died. In spite of this failure, Ayllon made another attempt. He was again greeted with kindness, but this time it was the kindness of treachery. A party of two hundred Spaniards who marched inland were received at an Indian town and treated hospitably. After four days' feasting the Indians rose in a night attack and fell upon their guests. A few only escaped and reached Hispaniola. Whether Ayllon was among them, or whether the punishment which he deserved overtook him at once, is matter of doubt. It is at least certain that he did not long survive his failure.

Lucas de Ayllon.[1]

The next attempt on the coast of Florida was made by Pamphilo de Narvaez, best known to the world as the unsuccessful opponent of Cortez. Eager, it may be, to equal the triumph of his great rival, in 1528 he landed on the coast of Florida with three hundred men, avowedly in quest of gold mines. For the object at which it aimed, the expedition was an utter failure. Yet it must be granted that even in the failures of the Spanish adventurers there was a romance and often a grandeur which found no parallel in the unsuccessful attempts of our own countrymen in that age. Despite sickness and starvation, with no food save the flesh of their worn-out horses, the little band of Spaniards traversed the continent and reached the shore of the Pacific. There they embarked in boats of their own

Pamphilo de Narvaez.[2]

[1] Helps's *Spanish Conquest of the New World.*

[2] Parkman, p. 7.

building. The sea was as unpropitious as the land. Illness, famine and storm wrought havoc among the adventurers, till at length they resought the land and made their way on foot to the settlements of their countrymen in New Mexico. Four only reached that goal. Their leader's account of the wanderings and sufferings, of the strange races among whom they sojourned, at one time as degraded captives, at another as honored and almost deified guests, is one of the most striking among the many romantic stories of travel for which the English reader is indebted to Purchas.

The example of Pamphilo de Narvaez was followed ten years later by one of the most famous among the Spanish conquerors.

Hernando de Soto.[1]

Hernando de Soto may be regarded in his whole career as typical of the Spanish adventurer in the New World. The son of a gentleman of Barcelona, he had crossed the Atlantic with nothing "save his sword and his target." His valor made him conspicuous even among the daring spirits that followed Pizarro; his good fortune was equal to his courage, and he returned to Spain the possessor of 180,000 ducats. Unlike many of his brothers in arms, he was no spendthrift, and his revenue enabled him to appear at the Spanish court with a train of attendants befitting a great nobleman, and with a trusty band of followers, enriched like himself with the spoils of Peru. A noble marriage raised him yet higher, and the fame of his American exploits, aided, it may be, by some share of his American gold, gained him the Governorship of Cuba and such portions of the adjacent territory as he might conquer. In May, 1559, De Soto set sail from Spain with seven ships, containing seven hundred men and over two hundred horses. He landed on the mainland at the spot known as Porto Santo Spirito, which has now recovered its Indian name of Tampa Bay. There he left a hundred men and marched with the rest of his force inland. The tale of his wanderings does not bear on its surface any evidence of a distinct plan of action. This may perhaps be due to the cautious character of the leader, a man of few words and little given to trust his followers or regard their will. After three months' wanderings and various adventures with the Indians, sometimes as

[1] The principal account of De Soto's expedition is that written by two Portuguese who took part in his expedition. This account was translated into English by Hakluyt under the title, *Virginia richly and truly Valued*, and published in 1609, with the intention of stimulating the public mind on the subject of the colonization of Virginia. It has since been republished three times; 1, as a supplement to Hakluyt in the edition of 1809: 2, in Force's collection of Pamphlets; 3, by the Hakluyt Society, with a preface by Mr. W. Rye.

their foe, sometimes as their guest, De Soto took up his winter quarters at Apalache, an Indian town some ten days' march from the coast. In spring he resumed his wanderings. After much suffering from lack of food and forage, the Spaniards reached a thriving Indian settlement on the coast called Cutifa-Chiqui. This district was governed by a queen, by whom the Spaniards were received as hospitably as were the English settlers by the wife of Granganimeo. Here most of the adventurers believed that they had found a substantial reward for their labors. The place would be valuable as a station for Spanish ships on their way to Mexico and Panama; the soil was fertile, the people friendly, and there was a rich pearl fishery close at hand. But De Soto's imagination was fired by his recollection of the treasure-house of Atahualpa, and though ready enough to listen to counsel, he heeded no man's will but his own; accordingly he resumed his march northwestward through what is now the northern frontier of Florida. The Indian queen was rewarded for her hospitality by being carried off prisoner, but at the end of a fortnight she escaped. From the time of De Soto's departure from Cutifa-Chiqui the history of the expedition is little more than a weary series of skirmishes with the Indians, varied sometimes with friendly dealings, oftener with the grossest treachery and brutality on the part of the Spaniards. Nothing in the whole narrative is more noteworthy than the dry, matter-of-fact way in which De Soto's dealings with the Indians are told. One native burned for withholding information, others worried by dogs, or tied up as targets for De Soto's savage allies, a whole village reduced to famine that the Spaniards might have maize for their swine, all these things are told as, what indeed they were, every-day episodes of a Spanish march. It is no exaggeration to say that a man nowadays would be scouted as a monster of cruelty if he were to deal with dumb animals as the Spaniard of that day dealt with his fellow-men.[1] But De Soto had sterner foes to struggle against than the Indians. The supplies of corn became precarious, the horses were an encumbrance rather than an aid, and though game was plentiful, it was dangerous for the Spaniards to straggle in quest of it. The winter had to be faced in open bivouacs, without tents, while the cold was so intense that as the soldiers slept by the fire the side which was turned away from it

[1] It must in justice be remembered that the narrators were not Spanish, but Portuguese. At the same time they probably reflect the general feeling of the conquerors.

was frozen. At length, worn by toil and hardship, and, if the chronicler may be believed, by mental anxiety, De Soto fell sick and died. His successor, Luys Moseoso de Alvarado, seems to have been a man of courage and wisdom. De Soto had ever been studious to impress the Indians with the idea of his own divinity. De Alvarado kept up the delusion. He succeeded in concealing his chief's death, and persuaded the natives that the Child of the Sun had only gone on a journey to heaven and would soon be back among them. At length, under their new leader, the remnant of the adventurers reached the banks of the Mississippi, where they built boats and journeyed down the river, sorely harassed as they went by the archery of the Indians. When at length they reached the Spanish settlement of Panuco on the Mexican coast, the band had been reduced by four years' wandering to one-third of its original numbers.

To us De Soto's expedition is chiefly interesting as an illustration of the nature of those obstacles which withheld the Spaniards from extending their career of conquest northward. John Smith or Miles Standish were not less fitted to conquer Mexico or Peru than the Spanish conquerors were to deal with the difficulties of backwoods warfare. Where food, whether for man or beast, is scarce and transport consequently difficult, the two great instruments of the Spanish conquest, horses and firearms, lose their value. Again, the whole system of warfare adopted by the Spaniards in the New World needed that they should get their enemy concentrated, deal with him at a single blow, and then turn his resources against himself. Moreover, a long succession of petty skirmishes, though they might not have exhausted the resolution of the Spaniards, would at least have served to disabuse the Indians of that belief in the divinity of the white man which did so much to facilitate the conquest.

Lesson of De Soto's failure.

Such a tale as that of De Soto serves, too, to remind us how much of the difference between the careers of England and Spain in the New World was due to the difference between the races with which each had to deal. The vices of the slaveholder had already fixed their roots in the Spanish character, and in the New World they speedily grew and bore fruit. The English settler was exposed to no such temptation. Unlike the feeble native of Hispaniola or Peru, the Red Indian might be hated, but he could not be despised; he might be extirpated, but he could not

be enslaved. Beside this, the task which lay before Spain was too great for a single nation. That such conquests as those of Mexico and Peru may be attended with good, both to the conqueror and the conquered, is sufficiently shown by the history of India. But if the result is to be wholesome, the process must be gradual, and there must be time for the ruling race to acquire the needful knowledge and to be slowly trained in the art of command. No such opportunities were vouchsafed to the conquering Spaniards. They had to rule a land where everything was unfamiliar and where they were still dazzled and bewildered by the romantic splendor and dreamlike rapidity of their conquest. The result was that Spanish civilization overflowed a whole continent and turned to barbarism in the process. The English settlers were saved from such dangers alike by the nature of the country and of the people. The Spaniard could isolate himself on his estate and live like a petty chieftain with his *repartimento* of Indians. The English settlers, hemmed in by a belt of hostile barbarism, were driven into union and cohesion. When they extended their borders it was by a slow and regular process of expansion. Even as it was, the history of the English colonists in the West Indies and south of the Chesapeake Bay serves to show that they did not wholly escape the temptation which beset the Spaniards, and that the difference in result was due, at least, as much to circumstances as to national character.

France as a colonizing nation.

We must now turn to the other great nation with which England was destined to struggle for her American empire. In many respects France might have seemed to enter on the task with better prospects than her old rival. While England was torn to pieces by the Wars of the Roses, French commerce had been thriving and spreading under the wise rule of Lewis XI. Francis I., whose tastes and pursuits reflected every shade, good and evil, in the tendencies of his age, was, like the Tudors, the patron of Italian seamen. Among the upper classes, indeed, the passion for the sea had taken no deep root. France had no Grenvilles or Gilberts, but the ports of Brittany and Normandy sent out a race of sailors as hardy and venturesome as those who sailed from Bideford and Plymouth. France, too, unlike Spain, was filled with the pervading spirit of progress. She, indeed, refused, though not without a struggle, to take part in the great spiritual emancipation of the age. But she could not, like Spain, stand aloof in isolated bigotry, and in

everything except religion France was the true child of the Renaissance. There were, too, in the French character many of the features most needed for success in colonization. In versatility and in the power of adapting himself readily to the varied requirements of colonial life, the Frenchman is unequaled. No nation has ever shown more aptitude for dealing with savages. The Spanish colonists regarded the Indians as brute beasts. The New England Puritan, with a few honorable exceptions, regarded them as devil worshipers and was saved from the vices of the slaveholder, not so much by his humanity as by his superstition and his self-respect. The Frenchman, on the other hand, was ready to live with the Indians, to feast with them, to marry among them. The rudeness of their life did not repel, nor their sterner vices shock him. There were, indeed, two drawbacks which went far to outweigh all the advantages with which France entered upon her colonial career. After the first impulse was spent and the newly-awakened enthusiasm for colonization and discovery had faded, the ruling powers in France showed little desire to support enterprises which promised but a poor return, and which might involve them in difficulties with other European powers. The English colonies, it is true, had to face the same difficulty and overcame it. Virginia owed but little to royal favor. New England grew into greatness in the face of almost unceasing hostility from the Crown. But Englishmen had received a training in self-government which made them independent of court influence. A colony filled with the spirit of the Long Parliament soon learned to despise the hostility of a Stuart king. Under the highly centralized government of France court favor was the very breath of life, and without it there was little chance of the American colonies attaining to anything more than a sickly and stunted growth. Moreover, all that was most active and progressive, all that was best fitted to struggle with the difficulties of the New World, was severed, not only from the court of France but from the mass of the nation, by fierce religious hostility. Had France but given full play to the impulse of her bravest sons, had she maintained her Huguenot colonies on the coast of Florida, and bade defiance to Spain in the name of religious freedom, the whole history of America might have been changed. Even as it was, with all the drawbacks of her political and religious condition, we cannot but feel that it was a peculiarly adverse fate which doomed France to waste her energies

on the ice-bound valley of the St. Lawrence and the unwholesome swamps of Florida, while England was extending her empire over all that rich tract between Cape Breton and the Mississippi.

Probably the earliest definite attempt made by any Frenchman to establish a colony in the New World was that of the Baron of Lery. In 1518 he headed an expedition with the intention of establishing a colony. When, however, he reached the American coast, he had been so long detained by adverse weather, that his heart failed him, and he abandoned his scheme. The cattle which were to have formed the stock of the settlement were landed on Sable Island, where they throve and multiplied, and at a distant day served to support a band of more persevering French colonists.[1]

De Lery's attempted settlement.

Six years later Verrazani, the Florentine navigator, set forth in command of five ships, with a commission from Francis I. Like Columbus and many of his imitators, Verrazani had vague hopes of reaching Cathay by a western route. Storms and hostilities with the Spaniards reduced Verrazani's fleet to one ship. With that he reached what was afterwards the shore of North Carolina. Thence he sailed north, touching at various points and occasionally landing. The natives were for the most part friendly, but those of New England refused either to receive or visit the strangers, and would only trade with them by a rope let down from the cliffs to the boat. With this voyage all certain knowledge of Verrazani's career ends. In another year the battle of Pavia had been fought and Verrazani's patron was a prisoner at Madrid. A few vague rumors of the navigator's later career are all that has reached us. From one we learn that he was hung by the Spaniards as a pirate. Another, and a more dreadful, version of his fate represents him captured by savages and a victim to his cannibal foes in the sight of his fellow-voyagers.

Verrazani.[2]

France, however, like England, did not long depend on foreign skill for her maritime success. Her seamen soon became familiar with the Atlantic voyage, and as early as 1527 twelve French ships were found together at the Newfoundland fishery. As in England, the first successful results were achieved

Cartier's first voyage.[3]

[1] Lescarbot, *Histoire de la Nouvelle France*, b. i. p. 21 (ed. 1618).

[2] Parkman, p. 176.

[3] Parkman, p. 181. His account of Cartier's voyage is derived from Lescarbot and the MSS. of Cartier himself

by the union of a court favorite and a practical seaman. The part of Raleigh was filled by Brion-Chabot, the High Admiral of France, while those of Amidas and Lane were worthily combined in Jacques Cartier, a brave and experienced sea-captain from St. Malo. In 1534 Cartier made a preliminary voyage of exploration. Touching at Newfoundland, he sailed through the straits of Belle Isle and explored the east shore of the island, a region which for the barrenness of its soil and the severity of its climate seemed the very spot whither Cain had been banished. The coast of New Brunswick held out a more inviting prospect. The fertility of the soil reminded the voyagers of their native Brittany, and one field there seemed worth more than the whole of Newfoundland. Thence Cartier sailed into the Gulf of St. Lawrence, and would have explored the great River of Canada, but storms arose and he deemed it prudent to return to France before bad weather set in. His report of the countty was encouraging. The soil, as we have seen, promised well, and the voyagers had not yet learned the terrors of a Canadian winter. The natives were rude in their habits, but they were uniformly peaceful and ready to trade on easy terms for such goods as they possessed. There seemed good reason to hope, too, that they might be converted to Christianity, and one of them had shown confidence enough in the strangers to trust them with his two children, who were easily reconciled to their captivity by the gift of red caps and colored shirts.

Cartier's second voyage.[1]

In the next year Cartier again went forth with three ships. After confessing and taking the sacrament in the church of St. Malo, the adventurers set sail on Whit Sunday. Among them was the cup-bearer to the Dauphin, Claudius de Pont-Briand. As before, the strangers were well received by the Indians, and landed safely at Quebec. There Cartier left his sailors with instructions to make a fortified camp, while he himself, with the greater part of his men-at-arms and his two Indian captives of the year befo e, should explore the upper banks of the St. Lawrence, and penetrate, if possible, to the great Indian city of Hochelaga. The Indians, though outwardly friendly, seem either to have distrusted the French, or else grudged their neighbors at Hochelaga such valuable allies, and would have dissuaded Cartier from his expedition. When their remonstrances proved useless, the savages tried to work on the fears of their

[1] Parkman p. 183.

visitors. Three canoes came floating down the river, each containing a fiendish figure with horns and blackened face. The supposed demons delivered themselves of a threatening harangue and then paddled to the shore, and whether to complete the performance or through honest terror, fell fainting in their boats. The Indians then explained to Cartier that their God had sent a warning to the presumptuous strangers, bidding them refrain from the intended voyage. Cartier replied that the Indian god could have no power over those who believed in Christ. The Indians acquiesced, and even affected to rejoice in the approaching discomfiture of their deity. Cartier and his followers started on their voyage. After a fortnight's journey they came in sight of the natural citadel of Hochelaga, the royal mount, as they fitly called it, which has since given its name to the stately city below. The site of that city was then filled by a village surrounded by maize fields and strongly fortified after the Iroquois manner. There the French were received with hospitality and with a reverence which seemed to imply that they were something more than mortal. The sick were laid before them to be healed, and when Cartier read portions of the Gospel in French, the savages listened reverently to the unknown sounds. On his return, Cartier found his fort securely palisaded, and decided there to await the winter. So far all had gone well, but the settlers were soon destined to see the unfavorable side of Canadian life. The savages, after their fickle nature, began to waver in their friendship. A worse danger was to come. Scurvy broke out, and before long twenty-five men had died and not more than three or four remained well. At length the leaf of a tree whose virtues were pointed out by the Indians, restored the sufferers to health. When winter disappeared and the river again became navigable, Cartier determined to return. He was anxious that the French king should learn the wonders of the country from the mouths of its own people. Accordingly, with a characteristic mixture of caution, subtlety, and conciliation, he allured the principal chief Donnacona and some of his followers into the fort. There they were seized and carried to the ships, nominally as honored guests, like Montezuma among the followers of Cortez. Cartier then set sail with his captives, and in July reached St. Malo. The Indians, as was usually the fate of such captives, pined under a strange sky, and when Cartier sailed again not one was alive.

Four years elapsed before another voyage was undertaken.

In 1540 a fleet of five ships was made ready at the expense of the king, who reserved to himself a third of the profits of the voyage.[1] Cartier was appointed captain-general, with instructions to establish a settlement and to labor for the conversion of the savages. With Cartier was associated a man of high birth, the Sieur de Roberval, who was appointed Viceroy and Lieutenant-general of Newfoundland, Labrador, and all the territory explored by Cartier, with the title of Lord of Norumbega. This division of command seems to have led to no good results. Another measure, which probably contributed to the failure of the expedition, was the mode employed for raising the necessary crews. Cartier, like Frobisher, was empowered to search the prisons for recruits. Even before the voyage began things took an unfavorable turn. Roberval's ammunition was not ready at the stated time, and the departure of the fleet was thereby hindered. At length, lest further delay should give offense at court, Cartier sailed, leaving Roberval to follow. The first interview with the savages was a source of some fear, as it was doubtful how they would receive the tidings of Donnacona's death. Luckily the chief to whom the news was first told was Donnacona's successor, and, as might have been expected, he showed no dissatisfaction at Cartier's story. The French then settled themselves in their old quarters at Quebec. Two of the four ships were sent home to France to report the safe arrival of the expedition, while Cartier himself, with two boats, set out to explore the river above Hochelaga. After his departure the relations between the settlers and the Indians became unfriendly, a change probably due in part to the loss of Donnacona and his companions. Whatever was the cause, the danger seemed so serious that Cartier, on his return, decided to abandon the colony and to make for France. From later events it would seem as if Cartier had no friendly feeling towards Roberval, and jealousy may have had some share in leading him to forsake the enterprise for which he had endured and risked so much. On his homeward voyage he put into the harbor of St. John in Newfoundland. There he met Roberval with three ships and two hundred men. Their meeting seems to have been friendly, but Cartier, instead of obeying Roberval's orders and returning with him to Canada, quietly weighed anchor in the night and sailed away to France.

Cartier's third voyage.

[1] Parkman, p. 197.

With this inglorious departure ends the career of the first great French colonizer. Roberval resumed his voyage and landed above Quebec. There he built a single abode for the whole colony, on the model of a college or monastery, with a common hall and kitchen. Of the doings of the settlers we have but scanty accounts, but we learn enough to see that the colony was ill-planned from the outset, and that either Roberval was unfit for command or singularly unfortunate in his subjects. The supplies were soon found to be inadequate and scurvy set in, the colonists became disorderly, and Roberval ruled them with a rod of iron. Trifling offenses were punished with fearful severity; men and women were flogged, and if we may believe one account, the punishment of death was inflicted with no sparing hand. How long the colony lingered on is unknown. Roberval himself returned to France only, it is said, to die by a violent death in the streets of Paris. There is nothing to tell us whether his colonists returned with him or whether, like White's unhappy followers, they were left to fall victims to the horrors of the wilderness. Whatever was their fate, no attempt was made to restore the colony, and the St. Lawrence was left for more than fifty years to the savages and wild beasts.

Roberval's settlement.

The next French settlement in America is noteworthy alike from the character of its leader and from the motives which led to its formation. It has been truly said that the colonization of the New World is a record of the persecution of the Old. That Protestantism in her early struggles for life and freedom should turn to the newly discovered lands as a possible home was but natural, and by no Protestants was a refuge more needed than by the French Huguenots. The first man, it would seem, who distinctly grasped the idea of building up a Protestant state in America was Coligny. If he himself had undertaken the command of such an enterprise, the Massachusetts Puritans might have been anticipated by nearly a century, and the tragedy of St. Bartholomew might have wanted its most illustrious victim. As it was, the command was entrusted to a man, wonderful for his various gifts even in that age of versatile genius, but wholly without the earnestness of purpose and the stable wisdom of Coligny. Nicholas de Villegagnon was eminent as a soldier and a sailor, and, unhappily for his fellow-settlers, as a theologian. His feats of arms against the Moors

The Huguenot settlement in Brazil.[1]

[1] Parkman, p. 20. His account is taken in large part from Villegagnon's own writings.

recalled the prowess of the Cid, and the escape of Mary Stuart from the English fleet that dogged her passage to France, was due to his courage and skillful seamanship. But with these brilliant gifts were combined qualities which wholly unfitted him for his position as the governor of a newly-founded state. Hasty in forming his religious opinions, he was mercilessly intolerant to all who refused to accept them. The colony was unfortunate in its site as well as in its leader. The spot pitched on was the coast of Brazil, a habitation ill-fitted for the inhabitants of a temperate climate, and moreover calculated to excite the jealousy alike of Spaniards and Portuguese. There, however, Villegagnon established himself with two shiploads of emigrants. Before long his rule was found so intolerable that a conspiracy was formed to murder him, and he was only saved by three Scotch soldiers who revealed the plot. Nevertheless the reports sent home were such as to induce a fresh party of emigrants to come out. Two hundred and ninety in all sailed, with five Calvinist pastors from Geneva. Villegagnon's love of theological speculation and controversy soon involved him in disputes with the ministers, and these disputes finally produced the not unnatural result of reconverting Villegagnon into an orthodox Catholic. His return to his former faith was soon accompanied by rigorous measures against his Calvinist opponents. Three of the ministers were put on board a vessel with insufficient supplies of food and water and shipped off to France. After a long and suffering voyage, they arrived in safety. The disciples whom they left in America fared even worse. Three of the most zealous of them were thrown into the sea by the order of the commander, who then delivered an address to his followers, warning them against the heresies of Luther and Calvin, and threatening a like punishment to all who should fall away. Villegagnon, however, soon longed for a wider field for his new-born zeal. He returned to France and was soon deep in a theological conflict with Calvin. The departure of their tyrant brought no gain to the colonists. Before a year the Portuguese attacked and routed them and destroyed their settlement. Thus ended the only attempt of the French to obtain a footing in South America.

In 1562 the French Huguenot party, headed by Coligny, made another attempt to secure themselves a refuge in the New World. Two ships set sail under the command of Jean Ribault, a brave and experienced seaman, destined to play a memorable

and a tragic part in the history of America. Ribault does not seem to have set out with any definite scheme of colonization, but rather, like Amidas and Barlow, to have contented himself with preliminary exploration.[1] In April he landed on the coast of Florida. The fertility of the country and the friendliness of the natives delighted the voyagers. Nevertheless they decided to explore the coast farther and sailed northward. Finally they reached the harbor of Port Royal, where, as the narrator tells us, all the ships of Europe might have found harborage. The Indians were as friendly as those farther south, and encouraged their visitors with stories of a neighboring land called Sevola, ruled over by a giant, where gold and silver were so plentiful that they were deemed mere dross. Although there had been no definite scheme for colonization, Ribault thought that it would be well to take possession of a spot so rich in promise. Accordingly he called together his company, and after an exhortation, adorned, if we may believe our informant, with somewhat pedantic references to the heroes of antiquity, he proposed that some of them should volunteer to garrison a fort while the rest returned to Europe. So hopeful seemed the scheme, and so effectual was Ribault's persuasion, that his only difficulty was in restricting the number who were to stay. Finally thirty were chosen to remain under the command of Albert de Pierria. After he had laid the foundations of a fort, called in honor of the king Charlefort, Ribault returned to France. He would seem to have been unfortunate in his choice alike of colonists and of a commander. The settlers lived on the charity of the Indians, sharing in their festivities, wandering from village to village, and wholly doing away with any belief in their superior wisdom and power which might yet have possessed their savage neighbors. That their commander should have grown harsh can hardly be a source of wonder. De Pierria, however, if we may believe the complaints of his followers, showed all the severity of Villegagnon, without his zeal or ability. At length he met with the fate which Villegagnon had so narrowly escaped. His men, enraged at the execution of one comrade and the cruel banishment of another, rose and slew De Pierria. Nicholas Barr, whom they chose as his successor, naturally avoided any severity, and the little colony was free from one of its miseries. Under

Ribault's voyage and settlement.

[1] The history of Ribault's colony is told in a translation from the French published by Hakluyt in 1587. The substance of it is taken from Ribault's own journal.

the new commander it enjoyed internal peace, but a new danger soon threatened it. France was torn asunder by civil war, and had no leisure to think of an insignificant settlement beyond the Atlantic. No supplies came to the settlers, and they could not live forever on the bounty of their savage neighbors. The settlers decided to return home. To do this it was needful to build a bark with their own hands from the scanty resources which the wilderness offered. Whatever might have been the failings of the settlers, they certainly showed no lack of energy or of skill in concerting means for their departure. They felled the trees to make planks, moss served for caulking, and their shirts and bedding for sails, while their Indian friends supplied cordage. When their bark was furnished they set sail. Unluckily, in their impatience to be gone, they did not reckon what supplies they would need. The wind, at first favorable, soon turned against them, and famine stared them in the face. Driven to the last resort of starving seamen, they cast lots for a victim, and the lot by a strange chance fell upon the very man whose punishment had been a chief count against De Pierria. Life was supported by this hideous relief till they came in sight of the French coast. Even then their troubles were not over. An English privateer bore down upon them and captured them. The miseries of the prisoners seem, in some measure, to have touched their enemies. A few of the weakest were landed on French soil. The rest ended their wanderings in an English prison.

In reality the settlers had not been forgotten by their countrymen. The news of the abandonment of the colony did not reach France till long after the event. Before its arrival a fleet was sent out to the relief of the colony. Three ships were dispatched, the largest of a hundred and twenty tons, the least of sixty tons, under the command of René Laudonnière, a young Poitevin of good birth. On their outward voyage they touched at Teneriffe and Dominica, and found ample evidence at each place of the terror which the Spaniards had inspired among the natives. In June the French reached the American shore south of Port Royal. As before, their reception by the Indians was friendly. Some further exploration failed to discover a more suitable site than that which had first presented itself, and accordingly a wooden fort was soon

The colony reinforced by Laudonnière.[1]

[1] The account of the colony during Laudonnière's period of office is taken from his own letters. They were translated into English, and published in Hâkluyt's collection.

built with a timber palisade and bastions of earthen work. Before long the new-comers found that their intercourse with the Indians was attended with unlooked-for difficulties. There were three tribes of importance, each under the command of a single chief, and all more or less hostile one to the other. In the South the power of the chiefs seems to have been far more dreaded, and their influence over the national policy more authoritative, than among the tribes of New England and Canada. Laudonnière, with questionable judgment, entangled himself in these Indian feuds, and entered into an offensive alliance with the first of these chiefs whom he encountered, Satouriona.

Before he was called on to fulfill his engagements to Satouriona, his followers had established friendly relations with the Thimagoa tribe, the very enemies against whom Satouriona especially desired the help of the French. Ottigny, one of Laudonnière's followers, had been sent out on an exploring party and had penetrated into the Thimagoa country and had friendly dealings with the inhabitants. A second visit under the command of one Vasseur led to still more intimate relations. The visitors were hospitably received and learned tidings of a land beyond, where gold and silver were so plentiful that they were used for defensive armor. It was clearly the interest of the French to stand well with all the tribes which lay between them and this rumored El Dorado, and the agreement with Satouriona was forgotten. Nevertheless upon Vasseur's next visit to Satouriona, he was severely cross-examined by that chief as to the object of his late journey, and only satisfied him by an elaborate account of a purely imaginary attack upon the Thimagoas, in which he had with his own hand slain two of his enemies. It was clear, however, that Satouriona's faith in his allies was shaken, and even the firmness with which Laudonnière asserted his own superiority and showed his contempt for the anger of the savage might have failed of its object, had it not been seconded by a storm of lightning so unparalleled as to excite a belief among the savages that it was a special contrivance of the white man for their destruction. In his terror Satouriona sent a messenger to implore the forbearance of Laudonnière, and the French were, for the time, saved from the wrath of their discontented ally. No sooner were his difficulties with the savages over than Laudonnière's life was in trouble from his own followers. If Laudonnière's own account is to be trusted, one of his men, La Roquette, persuaded his comrades that he was endowed

with supernatural powers, and that he could reveal to them vast mines of precious metals. Accordingly, they demanded to be at once led in search of the treasure. Laudonnière insisted that it was at least necessary to finish the fort before departing. The delay so enraged the would-be gold-hunter that he conspired to destroy Laudonnière either by poison or by blowing him up in his bed. His chief accomplice was one Le Genre, who had, as he imagined, received some slight from Laudonnière, but who, unfortunately, still stood high in his esteem and was employed by him as a sort of deputy when he himself was incapacitated by sickness. The plot for Laudonnière's destruction failed, but not long after some of the discontented men seized upon the two remaining vessels and went buccaneering in the West Indies, where they were finally captured by the Spaniards, an event which led ultimately to the destruction of the colony. Laudonnière at once set to work to repair his loss by building two vessels, but the labor which this entailed was treated as a grievance. Soon the men, emboldened by Laudonnière's illness, broke into open mutiny, imprisoned their commander and extorted from him a passport, and then, taking two vessels and all the ammunition, set sail with vague schemes of enriching themselves by piracy in the Spanish Main. They took a rich prize, but through their own carelessness and folly it was recaptured, and at last the chief part of them returned, terrified and ashamed if not repentant, and submitted themselves to Laudonnière. Two of the ringleaders were put to death, the rest received a free pardon. Henceforth, though we hear at times of disaffection, there was no open outbreak.

Hawkins's visit.

A new source of trouble, however, soon beset the unhappy colonists. Their quarrels had left them no time for tilling the soil, and they were wholly dependent on the Indians for food. The friendship of the savages soon proved but a precarious means of support. The dissensions in the French camp must have lowered the new-comers in the eyes of their savage neighbors. They would only part with their supplies on exorbitant terms. Laudonnière himself throughout would have adopted moderate and conciliatory measures, but his men at length became impatient and seized one of the principal Indian chiefs as a hostage for the good behavior of his countrymen. A skirmish ensued, in which the French were victorious. It was clear, however, that the settlement could not continue to depend on

supplies extorted from the Indians at the point of the sword. The settlers felt that they were wholly forgotten by their friends in France, and they decided, though with heavy hearts, to forsake the country which they had suffered so much to win. With such resources as they had, a ship was made ready, but before she could be launched a sail appeared in sight. The new-comer was neither a friend from France nor an enemy from Spain, but an English vessel under the command of John Hawkins. He had just returned from an errand better befitting a worse man, from kidnapping negroes on the coast of Guinea to sell among the Spaniards on the West India islands. He was at once received with such hospitality as the meagre resources of the colony could offer, and Laudonnière killed in his honor some of the sheep and poultry which he had been carefully preserving to stock his settlement. The Englishman was not backward in the interchange of good offices. He offered the French a passage which they despised, and then sold them a vessel and a supply of wine and biscuits. Laudonnière gave him in exchange the cannon of the fort, now become useless, and prudently concealed the fact that he had discovered silver. As soon as the English had set sail, the colonists proceeded to demolish their fortifications lest any foreign intruder should occupy them. Just, however, as all preparations for departure were made, the long-expected help came. Ribault arrived from France with a fleet of seven vessels containing three hundred settlers and ample supplies. This arrival was not a source of unmixed joy to Laudonnière. His factious followers had sent home calumnious reports about him, and Ribault brought out orders to send him home to France to stand his trial. Ribault himself seems to have been easily persuaded of the falsity of the charges, and pressed Laudonnière to keep his command; but he, broken in spirit and sick in body, declined to resume office.

All disputes soon disappeared in the face of a vast common misfortune. Whatever internal symptoms of weakness might already display themselves in the vast fabric of the Spanish empire, its rulers showed as yet no lack of jealous watchfulness against any attempts to rival her successes in America. The attempts of Cartier and Roberval had been watched, and the Spanish ambassador at Lisbon had proposed to the king of Portugal to send out a joint armament to dispossess the intruders. The king deemed the danger too remote to be

Spanish designs.

worth an expedition, and the Spaniards unwillingly acquiesced. An outpost of fur traders in the ice-bound wilderness of Canada might seem to bring little danger with it. But a settlement on the coast of Florida, within some eight days' sail of Havannah, with a harbor whence privateers might waylay Spanish ships and even attack Spanish colonies, was a rival not to be endured. Moreover, the colonists were not only foreigners but Huguenots, and their heresy served at once as a pretext and stimulus to Spanish zeal.

Pedro de Menendez.[1]

The man to whose lot it fell to support the monopoly of Spain against French aggression, was one who, if we may judge by his American career, needed only a wider field to rival the genius and the atrocities of Alva. Pedro de Menendez, when he had scarcely passed from boyhood, had fought both against the French and the Turks, and had visited America and returned laden with wealth. He then did good service in command of the Spanish fleet in the French war, and his prompt co-operation with the land force gave him a share in the glories of St. Quentin. A second voyage to America was even more profitable than the first, but his misconduct there brought him into conflict with the Council of the Indies, by whom he was imprisoned, and heavily fined. His previous services, however, had gained him the favor of the court. Part of his fine was remitted, and he was emboldened to ask not merely for pardon, but for promotion. He proposed to revive the attempt of De Soto and to extend the Spanish power over Florida. The expedition was to be at Menendez's own cost, he was to take out five hundred colonists, and in return to be made Governor of Florida for life and to enjoy certain rights of free trade with the West Indies and with the mother country.

Treachery of the French court.

Before Menendez had completed his preparations, news came which gave the whole affair a fresh color. It would seem that when the king invested Menendez with the governorship of Florida, both were under the belief that it was a vacant territory. Suddenly there came a report that a colony of French Huguenots had already occupied the best harbor on the coast of Florida, and that a fleet of seven ships, well manned and supplied, was sailing to their support. It was from no watchful Spaniard, jealous for the exclusive possession of the New World, that the warning came. Those who betrayed

[1] Parkman, p. 87. His account is based on the original dispatches of Menendez, preserved in the Spanish Archives.

Ribault were the very rulers of that country which he and his followers were striving loyally to serve.

For four generations the throne of St. Lewis had been filled by vain triflers, whose vices were varied only by the fitful energy and tawdry ambition of Francis I. A lower depth still was reached when the Italian craft and cruelty of the Medici was grafted on the heartless and lustful stock of the Valois. Nothing could show more fully the depth of degradation to which the French court had sunk than its betrayal of Ribault. Whatever were the crimes of the Spaniard, he never at least forgot his pride of race; his worst deeds were gilded by some show of patriotism. It was left for the French court to thwart an enterprise in which the best interests of the nation were at stake, and to deliver up the bravest of its subjects to a cruel and dishonorable death. The precise details of that foul compact, like so much of the dark career of Catherine of Medici and her sons, are unknown to us. But it was believed by those best fitted to judge, that the Spanish king was kept informed of Ribault's movements by the French government. It is certain, too, that Spain had neither resistance nor, for a while, retaliation to fear, and that when a Frenchman arose to avenge the wrongs of his countrymen and the insult to the national flag, his own government treated the deed as a crime.

The military genius of Menendez rose to the new demands made upon it. He at once decided on a bold and comprehensive scheme, which would secure the whole coast from Port Royal to the Chesapeake Bay, and would ultimately give Spain exclusive possession of the South Seas and the Newfoundland fisheries. The Spanish captain had a mind which could at once conceive a wide scheme and labor at the execution of details. So resolutely were operations carried on that by June, 1565, Menendez sailed from Cadiz with thirty-four vessels and two thousand six hundred men. After a stormy voyage he reached the mouth of the St. John's river. Ribault's party was about to land, and some of the smaller vessels had crossed the harbor, while others yet stood out to sea. Menendez hailed the latter, and after some parley told them that he had come there with orders from the king of Spain to kill all intruders that might be found on the coast. The French, being too few to fight, fled. Menendez did not for the present attack the settlement, but sailed southward till he reached a harbor which he

Destruction of the French colony.

named St. Augustine. There the Spaniards disembarked and threw up a fortification destined to grow into the town of St. Augustine, the first permanent Spanish settlement north of the Gulf of Mexico. Various attempts had been made, and with various motives. The slave-hunter, the gold-seeker, the explorer, had each tried his fortunes in Florida, and each failed. The difficulties which had baffled them all were at length overcome by the spirit of religious hatred.

Meanwhile a council of war was sitting at the French settlement, Charlefort. Ribault, contrary to the wishes of Laudonnière and the rest, decided to anticipate the Spaniards by an attack from the sea. A few sick men were left with Laudonnière to garrison the fort; all the rest went on board. Just as everything was ready for the attack, a gale sprang up, and the fleet of Ribault, instead of bearing down on St. Augustine, was straggling in confusion off an unknown and perilous coast. Menendez, relieved from immediate fear for his own settlement, determined on a bold stroke. Like Ribault, he bore down the opposition of a cautious majority, and, with five hundred picked men, marched overland through thirty miles of swamp and jungle against the French fort. Thus each commander was exposing his own settlement in order to menace his enemies. In judging, however, of the relative prudence of the two plans, it must be remembered that an attack by land is far more under control, and far less liable to be disarranged by unforeseen chances, than one by sea. At first it seemed as if each expedition was destined to the same fate. The weather was as unfavorable to the Spaniards by land as to the French by sea. At one time a mutiny was threatened, but Menendez succeeded in inspiring his men with something of his own enthusiasm, and they persevered. Led by a French deserter, they approached the unprotected settlement. So stormy was the night that the sentinels had left the walls. The fort was stormed; Laudonnière and a few others escaped to the shore and were picked up by one of Ribault's vessels returning from its unsuccessful expedition. The rest, to the number of one hundred and forty, were slain in the attack or taken prisoners. The women and children were spared, the men were hung on trees with an inscription pinned to their breasts: "Not as to Frenchmen, but as to Lutherans."

The fate of Ribault's party was equally wretched. All were shipwrecked, but most apparently succeeded in landing alive.

Then began a scene of deliberate butchery, aggravated, if the French accounts may be believed, by the most shameless treachery. As the scattered bands of shipwrecked men wandered through the forest, seeking to return to Fort Caroline, they were mercilessly entrapped by friendly words, if not by explicit promises of safety. Some escaped to the Indians, a few were at last spared by the contemptuous mercy of their foes. Those of the survivors who professed themselves converts were pardoned, the rest were sent to the galleys. Ribault himself was among the murdered. If we may believe the story current in France, his head sawn in four parts was set up over the corners of the fort at St. Augustine, while a piece of his beard was sent as a trophy to the king of Spain.

Dominic de Gourgues.[1]

As might have been expected, all attempts to rouse the French court into demanding redress were vain. Spain, above all other nations, knew the arts by which a corrupt court might be swayed, and the same intrigues, which fifty years later sent Raleigh to the block and well-nigh ended the young colony of Virginia, now kept France quiet. But though the court refused to move, an avenger was not wanting. Dominic de Gourgues had already known as a prisoner of war the horrors of the Spanish galleys. Whether he was a Huguenot is uncertain. Happily in France, as the history of that and all later ages proved, the religion of the Catholic did not necessarily deaden the feelings of the patriot. Seldom has there been a deed of more reckless daring than that which Dominic de Gourgues now undertook. With the proceeds of his patrimony he bought three small ships, manned by eighty sailors and a hundred men-at-arms. He then obtained a commission as a slaver on the coast of Guinea, and in the summer of 1567 set sail. With these paltry resources he aimed at overthrowing a settlement which had already destroyed a force of twenty times his number, and which might have been strengthened in the interval. Moreover, even if there had not been the fate of Ribault to warn him, he would have known that nothing but a victory against vast odds could save him from certain destruction. He was defying his own government, and righteous though his undertaking was, yet by human law he was a mere pirate attacking a friendly nation in time of peace. To the mass of his followers he did not reveal the true secret of his

[1] Parkman, p. 140. His account is taken from a MS. narrative written by De Gourgues himself, and preserved in his family.

voyage till he had reached the West Indies. Then he disclosed his real purpose. His men were of the same spirit as their leader. Desperate though the enterprise seemed, De Gourgues's only difficulty was to restrain his followers from undue haste. Happily for their attempt, they had allies on whom they had not reckoned. The fickle savages had at first welcomed the Spaniards, but the tyranny of the new-comers soon wrought a change, and the Spaniards in Florida, like the Spaniards in every part of the New World, were looked on as hateful tyrants. So when De Gourgues landed he at once found a ready body of allies. Foremost in his display of zeal was Laudonnière's old friend Satouriona. De Gourgues, with tact and judgment not less striking than his courage, told the Indians that he had merely come to reconnoitre, but that the sight of their injuries and the hope of their alliance had decided him on an immediate attack. The gift of a few shirts, garments which seem to have specially charmed the imagination of the savage, clenched the alliance, and Satouriona testified his fidelity by giving his favorite wife and his only son as hostages. Three days were spent in making ready, and then De Gourgues, with a hundred and sixty of his own men and his Indian allies, marched against the enemy. In spite of the hostility of the Indians, the Spaniards seem to have taken no precaution against a sudden attack. Menendez himself had left the colony. The Spanish force was divided between three forts, and no proper precautions were taken for keeping up the communications between them. Each was successively seized, the garrison slain or made prisoners, and as each fort fell, those in the next could only make vague guesses as to the extent of the danger. Even when divided into three the Spanish force outnumbered that of De Gourgues, and savages with bows and arrows would have counted for little against men with firearms and behind walls. But after the downfall of the first fort a panic seemed to seize the Spaniards, and the French achieved an almost bloodless victory. After the death of Ribault and his followers nothing could be looked for but merciless retaliation, and De Gourgues copied the severity, though not the perfidy, of his enemies. The very details of Menendez's act were imitated, and the trees on which the men were hung bore the inscription: "Not as Spaniards, but as traitors, robbers, and murderers." Five weeks later De Gourgues anchored under the walls of Rochelle, and that noble city, where civil and religious freedom found a home

in their darkest hour, received him with the honor he deserved. As might have been expected, the court frowned on him, and it even seemed for a while as if he were in danger of being given up to Spain. Stupendous as such a crime would have been, it would probably have seemed light to the French court. But his exploit did not lack its reward. The English queen sought to enlist in her service one whose exploits rivaled those of Drake and Grenville, and when he died he was on the point of commanding the Portuguese fleet against his old enemies.

His attack did not wholly extirpate the Spanish power in Florida. Menendez received the blessing of the Pope as a chosen instrument for the conversion of the Indians, returned to America and restored his settlement. As before, he soon made the Indians his deadly enemies. The Spanish settlement held on, but it was not till two centuries later that its existence made itself remembered by one brief but glorious episode in the history of the English colonies.

Thus by a strange fate Frenchman and Spaniard were rending one another asunder, only for the benefit of a nation whom the one regarded as her oldest hereditary foe, the other as the vilest of heretics. Had not Menendez swept away the colony of Ribault, the danger which Chatham anticipated and met two centuries later might have come upon the English colonies in their infancy. They might have found themselves hemmed in by a vast belt of French outposts along the valleys of the Mississippi, the Ohio, and the St. Lawrence. To those petty settlements on the Atlantic sea-board that might have seemed a slight and almost visionary danger. Later events showed that it might have changed the whole history of America and of the world.

The danger of Spanish aggression was a slighter one. The incurable vices of the national character and the inevitable hostility of the Indians must ever have checked the extension of the Spanish colonies northwards. Yet a strong Spanish outpost on the coast of Florida might have been a constant source of weakness and peril to the southern colonies of England, and from that they were saved by the sword of De Gourgues.

CHAPTER VI.

THE VIRGINIA COMPANY.[1]

The task in which Gilbert and Raleigh had failed was forced upon England by the pressure of social and religious difficulties. Virginia was the offspring of economical distress, as New England was of ecclesiastical conflicts. During the whole of the sixteenth century, while England grew in external splendor and greatness, there was beneath the surface an ever-increasing mass of distress and discontent. It is very

Increased need for colonization.

[1] Our authorities for the history of the Virginia Company, and of the colony under the Company, are numerous and scattered. The only contemporary writer who can be fairly called a historian is John Smith, the author of the *History of Virginia*, of which the first edition was published in London in 1624. Smith also wrote two earlier and smaller works: one, entitled *A true Relation of Virginia*, published in 1608, the other, *A Map of Virginia, with a Description of the Country*, in 1612. Both have been re-edited in recent times by Mr. Charles Deane, a well-known Boston antiquary. I have discussed the whole question of Smith's credibility elsewhere. See Appendix E.

Of later writers the chief is Stith, a Virginian clergyman, who wrote in 1747. His *History of Virginia*, though somewhat diffuse and disproportionate, is written in a singularly dignified and at times animated style, and shows a clear understanding of his subject. Unfortunately the book only comes down to the dissolution of the Virginia Company. He relies largely on Smith, and he also evidently had access to the Archives of the Company. The vicissitudes through which these papers passed, and the manner of their preservation, will come before us in the course of the narrative. They contain an immense mass of information as to the proceedings of the Company and the industry and social life of the colony. After being long overlooked, they have been recently unearthed by Mr. Edward D. Neill, who has published copious extracts from them, with a comment, in a work entitled *The Virginia Company*. Mr. Neill has also published a book containing much information, though in a somewhat crude form, called *The English Colonization of America*. I shall refer to the latter book by the name of the author, to the former as *The Virginia Company*.

Beverley's *History of Virginia*, written in 1705, is a book of some merit, but of no special authority for early times, though, like Stith's, it probably here and there embodies colonial traditions of value. It is written in a lively, unpretending style, and is of value for the politics of later times. An improved edition was published in London in 1722. It is to this that I refer. Besides these we have some letters in Purchas.

A great amount of our material is to be found in pamphlets, letters, and memoranda. Some of these are published in Peter Force's collection of American tracts, published at Washington in 1836, a work of inestimable value to the student of American history. Others are among the "State Papers" edited by Mr. Sainsbury. As to the latter, I have in almost

difficult, in dealing with a period of imperfect statistics and yet more imperfect economical knowledge, to arrive at any clear conclusion on questions of this nature. Much allowance, too, must be made for the tendency of every age, especially of an age which has just gone through great changes, to look back to a golden time, golden only in memory. Of this, however, we may be sure: poverty, discontent, and distress were becoming such prominent evils as to alarm every thoughtful man. This may have been in some measure due, not to any actual deterioration in the state of the peasantry, but to the improvement in the state of those above them. The peasant was not worse off positively, but he was so relatively. He had at best remained stationary, while other classes, especially the class next above him, had advanced. Between the beginning and end of the sixteenth century, the habits of the English farmer had completely changed. He was better fed and lodged. We read how stone houses with chimneys had taken the place of mud hovels; how the yoeman or tenant-farmer no longer slept on a coarse straw pallet with a log for a bolster; how a silver salt-cellar and drinking-cup stood on his table where there had formerly been a solitary dish of pewter; how he would have six or seven years' rent lying by, while before he had, as often as not, to sell a cow before he could pay his landlord.[1] Meanwhile the condition of the peasantry had become, if anything, worse. Population was nearly if not quite doubled.[2] The rise in wages had not kept pace with the enormous rise in the price of food.[3] The discontent thus engendered must have been intensified by the spectacle of an increase of comfort in which a whole class had no share. Moreover, the system of dealing with land had been revolutionized, and the revolution was one which did not spare the interests of the peasant. It is well known that throughout the reign of Henry and his three children, an incessant war was waged by the legislature against the landholders, to check the conversion of arable land

every case carefully examined the original MS. The voyages at the opening of the century are told in Hakluyt and Purchas.

It is scarcely needful to dwell on the value of Mr. Sainsbury's *Calendars of State Papers* as materials not only for the history of Virginia, but for that of the colonies at large. Without them a vast mine of information would have been virtually closed against me. I refer to them throughout as "Colonial Papers," appending the year, and, when known, the exact date.

[1] Harrison's *Description of Britain*, published in Holinshed's *Chronicle*, ed. 1586, vol. i. p. 188.

[2] This is the general conclusion at which I have arrived from a comparison of authorities.

[3] I take this estimate from Eden's *State of the Poor*, vol. i. p. 74, *et passim*.

into grass. As large fortunes were made in trade, and as the restrictions on the alienation of real property were modified, land was more and more treated as an ordinary mercantile commodity. Merchant families, like the Greshams, became large landed proprietors. Such a class, we cannot doubt, dealt with land in a far more commercial spirit, and with less regard probably for the peasantry, than those whom they succeeded. The tendency to throw land out of cultivation, and to replace tillage by sheep farming, a tendency which was ever increasing, must have had a serious effect on the peasant. The liberated capital might, indeed, supply occupation for labor elsewhere, but even in the present day we know how needful it is that labor should have its market brought to its very doors, and we may well believe that to a peasant in the sixteenth century a change of abode would seem like emigration into another world. In some cases it would seem that such a change was not a matter of choice. We read how "men ejected from their holdings prowled about as idle beggars or continued as stark thieves till the gallows did eat them."[1] The dissolution of the monasteries, too, had tended in various ways to increase these evils. It had thrown a vast number of persons on the world in search of employment; it had freed a class from celibacy and thereby increased population; and it had brought to a crisis that pauperism which the religious houses had fostered, while they kept it from becoming an immediate source of danger. The changed habits of the upper classes contributed to the same results. London was no longer merely the political and commercial centre of the kingdom; it had become a place of fashionable resort, supplied with the latest vices from France and Italy. There the prodigal from the country might squander his substance in riotous living at the gaming table or the ordinary, and then sink into the bully or sharper. The soldier of fortune, the Sharpe or Lurcher with whom the dramatists of that age have familiarized us, was the natural product of such a time. The Low Countries, too, sent disbanded soldiers to swell the ranks of the dangerous class. No wonder that the community swarmed with those described by a contemporary writer as "the rioter that hath consumed all, and the vagabond that will abide nowhere, but runneth up and down seeking work and finding none;"[2] or in an order of the Privy Council, as "those that go in good clothes and fare well, and

[1] Harrison, p. 183.

[2] *Ibid.*, p. 182.

none know whereof they live."[1] An earlier age had dealt with the problem in a fashion of its own. But though a system which involved the execution of seventy-two thousand criminals in thirty years might satisfy Thomas Cromwell and his royal master, the generation which followed shrank from such heroic remedies. Colonization was an obvious palliative, and the statesmen of the seventeenth century eagerly availed themselves of it.[2]

Altered view of colonization.

At first sight it would seem as if the temper of the age had undergone a change unfavorable to the prospects of colonization. That short-lived impulse of heroism, which a generation earlier had led Englishmen to defy the dangers of frozen seas and Spanish galleys, had died away. There was no place for men like Drake or Hawkins under a king who hated war and respected Spain. Yet in reality the change was a gain. The spirit which set on foot raids against Spanish ports and gold-quests like that undertaken by Lane, was probably needed as a pioneer to clear the way for colonization, but it was a hindrance to the actual work of the colonist. Not the least important among the many causes which have made the colonial history of England and Spain so widely different has been the fact that in the former the period of exploration and settlement coincided, while in the latter they were kept distinct. The versatile, restless, enterprising temper which fits men for the one task is in itself an obstacle to them in the other. The Englishmen to whose lot the task of settling America fell were far less romantic and interesting figures than the generation which preceded them, but they were fitter instruments for the specific work in hand.

Mace's voyage.[3]

The changed temper of the age was shown in the humbler and less ambitious efforts with which its colonization opened. For twelve years after White's last voyage there seems to have been a complete lull. Then a fresh era of American voyages opened, but with hopes and ideas that would have seemed tame and spiritless to the followers of Frobisher and Gilbert. In 1602 two voyages, each of a single ship, were made to Virginia. One was fitted out by Raleigh, solely in the hope of recovering his lost colonists. Determined not to be baffled by

[1] Quoted by Eden, i. 157.

[2] A sermon preached by William Symonds at Bow Church, and quoted by Mr. Neill (p. 29), illustrates clearly the connection between the distress and crime of the day and the need for colonization.

[3] A short account of the voyage is given by Purchas, iv. 1653.

the ill-timed love of adventure which had thwarted his earlier efforts, he adopted a different plan, and instead of commissioning a ship for the task, and leaving the arrangements to the captain's own discretion, he bought a ship of his own and hired a crew himself, placing over it one Samuel Mace, of Weymouth, described as an "honest sober man," who had twice sailed to Virginia. This change of plan, however, did no good. Mace sailed from Weymouth in March, and reached the coast of America at a point forty leagues southwest of Cape Haterask. The crew, according to their own statement, attempted to explore to the north, but were prevented by stress of weather and injury to the ship's tackle. They returned laden indeed with sassafras, but with no tidings of the lost colony. So ended Raleigh's last attempt to recover the subjects of his little commonwealth.

Gosnold's voyage.[1]

In the same year another voyage sailed with a definite scheme for renewing the attempt at colonization, though on a small and unambitious scale. Among the chief promoters of this voyage was one on whom some portions of Raleigh's spirit had descended. The Earl of Southampton shared the versatility, the love of enterprise, the literary tastes and the personal graces of his great predecessor, though he could lay no claim to that power of "toiling terribly" and to that statesmanlike wisdom which marked out Raleigh as a born ruler of men. The precise nature of Southampton's share in the undertaking is unknown. The command was entrusted to Bartholomew Gosnold, an experienced seaman, destined to take a leading part in the settlement of Virginia, and to find a grave in the wilderness which he had helped to subdue. In March, 1602, he sailed from Falmouth with thirty-two adventurers, of whom twenty-three were to stay as settlers in Virginia. The chief feature of the voyage was the discovery of a new route by the Azores, to the south of that usually taken before, whereby the distance was shortened by fifteen hundred miles. The land finally reached by the voyagers was considerably to the north of Raleigh's two colonies, and was that occupied by the Puritan settlers thirty years later. The natural resources of the country appeared scarcely inferior to those of Virginia. The woods abounded in sassafras, the natives possessed copper, and there was reason to hope that gold mines might be found. English corn and flax ripened

[1] A full account of Gosnold's voyage, by one of his followers, Gabriel Archer, is published in Purchas, iv. 1647.

quickly. The savages were as friendly as those in the south. The scheme of settlement was abandoned, chiefly, it would seem, for lack of provisions. Though this part of the project failed, yet the results of Gosnold's voyage can hardly be overrated. It shortened the voyage to America by at least a week, and it revealed the fact that the extent of sea-board fit for settlement was practically boundless.

The next year saw two more voyagers sent forth, both directly due to Gosnold's discoveries. The more important of them brings us face to face with one who has been our chief guide in many of the scenes through which we have passed. It is indeed hard to estimate at its full value the debt which succeeding generations owe to Richard Hakluyt. Through his labors the voyages and discoveries of the fifteenth century come before us with a variety and fascination equal to that of any romance, and with a dignity worthy of any epic. But for him much would never have seen the light of day, and much of what did must now have been laboriously extracted from scattered volumes in divers languages. Such an episode as Hakluyt's ride to Norfolk to obtain an account of Hore's voyage from one of the few survivors, is a good instance of the toilsome process by which his materials were gathered together in those days when travel and correspondence were alike beset with difficulties. To us Hakluyt is pre-eminently the historian of discovery; to his own generation he was its wise and energetic advocate and supporter. His interest in the subject dated from the day when, as a Westminster school-boy, he first saw a map which revealed to him in full the recent discoveries, and when the Psalmist's account of the wonders seen by those that go down into the deep first rushed upon his mind as a real and living picture. His training at Oxford may have brought him under the spell of Gilbert's romantic hopes. His later appointment as a canon of Bristol threw him into the very heart of the new-born era of seamanship, among the traditions of its dawn and the glories of its noon-day. At the time of which we are now speaking he had already a well-established reputation as the foremost English authority on all that concerned the New World. In 1589 he had published his first volume of voyages, the modest precursor of that noble work which appeared ten years later, and by which the author is best known to later ages. Nor does he deserve less praise for his ex-

Richard Hakluyt.

hortations to the English Government to follow the example of Spain, and to endow the scientific teaching of navigation.[1]

He now, seemingly for the first time, took an active part in fitting out a voyage of discovery. His partners in the adventure were some leading merchants of Bristol, among them one John Salterne, who had accompanied Gosnold in the preceding year. Salterne does not appear himself to have taken part in the voyage, nor did Hakluyt. If he had done so the history of discovery would probably have been enriched by one of its most precious and fascinating descriptions. The command of the voyage was entrusted to one Martin Pring, whose seamanship had already been tested in the East Indies, and to whose account we owe our knowledge of this voyage.[2] The adventurers did not aim at settlement, but only at exploration and trade. Two vessels, the Speedwell of fifty tons, and the Discovery of twenty-six, were sent out laden with hats of divers colors, clothes, mirrors, and implements of husbandry and carpentry. We are faintly reminded of the musicians who accompanied Gilbert on his ill-starred voyage when we read of a youth that could play on a gittern, "in whose homely music the savages took great delight, and would give him many things, and dance twenty in a ring, and the gittern in the midst of them, using many savage gestures." Beside the music Pring had other less pleasing means for influencing the natives. Two mastiffs accompanied the party, of whom the natives were more afraid, Pring assures us, than of twenty Englishmen. Before the voyage sailed, Hakluyt obtained formal permission from Sir Walter Raleigh, whose patent rights were yet reckoned valid. With this slight and almost formal recognition, Raleigh's connection with Virginia ends. A new era had begun, marked by a memorable event. When Pring embarked the great queen was on her death-bed, and before he had left the shores of England she was no more. The union of the two events, the end of Raleigh's colonial career, and the death of his mistress, has a real meaning, such as is often found in the seemingly chance coincidences of history. Elizabeth, with all her faults and weaknesses, was the real centre round which the heroism of the age grouped itself, and it was by a true and happy intuition that the fanciful gallantry of the court asso-

The voyages of 1603.

[1] Preface to Hakluyt's *Divers Voyages*. Cf. the introduction to this work by Mr. Winter Jones, p. vii.

[2] This account is published in Purchas, iv. 1654.

ciated our first American colony with the name of the Virgin Queen. Early in October Pring returned, after a prosperous expedition. His report of the country told his employers little that was new, but it fully confirmed the good account of his predecessors. This was borne out by another voyage in the same year, made by Gilbert, who had acted as second in command to Gosnold.

No voyage seems to have been made in 1604, but in the next year the Earl of Southampton and Lord Thomas Arundel sent one out under the command of Captain George Weymouth. It would be wearisome to report the incidents of exploration and intercourse with the natives. The most noteworthy event was the hardly-achieved capture of five savages. The report of the country even surpassed that of previous voyagers. Especial stress was laid on the size of the Kennebec river and its fitness for navigation. Some of the explorers who had accompanied Raleigh up the Oronoco gave the preference to the recent discovery, and, but for a patriotic reservation in favor of the Thames, the Kennebec seemed to take rank above all the rivers of Europe.

Weymouth's voyage in 1605.[1]

A new power was now to be enlisted in the service of colonization. Hitherto whatever had been done had been due to the energy and enterprise of private men. It could hardly, however, be expected that any should be found to follow in the footsteps of Gilbert and Raleigh. The Muscovy and East India companies offered more encouraging examples. The former had, as we have already seen, achieved success beyond the scope of any individual. The colonists of Virginia had before them a later and more conspicuous precedent. In 1599 a small band of London merchants met together to discuss a corporate scheme of trade with the East. That meeting laid the foundation of our Indian Empire. Their labors had also an indirect result, trivial in comparison, yet not without importance. We can hardly doubt that the rapid success of the East India Company led the advocates of American colonization to adopt it as their model. The fate of each body was singularly at variance with its early promise. The East India Company at its outset did not aim at anything beyond trading voyages and the establishment of factories. The Virginia Company sought to found a colonial empire. The former took rank among

Formation of the Virginia Company.

[1] Purchas, iv. 1659.

the rulers of the earth and numbered princes among its vassals. The latter, even in its brief day of prosperity, was little more than a trading association.

In April, 1606, two companies, or rather perhaps one company with two subdivisions, was formed to undertake the colonization of America.[1] One, consisting of London merchants, was to establish a plantation between forty-five and thirty-eight degrees north latitude; the other, whose members were chiefly west-country gentlemen and traders, between forty-one and thirty-four degrees. A clause was added forbidding the settlements to be formed within a hundred miles of one another. Despite this precaution, the arrangement, through the absence of a fixed boundary between them, might have proved inconvenient but for the total failure of the northern, or, as it was called, the Plymouth colony. That part of the undertaking will come before us hereafter; for the present it will be enough to consider the fortunes of the London Company. Its principal members were Hakluyt, Sir George Somers, and Sir Thomas Gates. The two latter names must have suggested that the undertaking was no mere mercantile speculation, but one which would need the daring of the military adventurer. Somers was a trained soldier, "a lamb on shore, a lion at sea," as Fuller tells us, and had shared with Amyas Preston the command in one of the most heroic exploits of Englishmen on the Spanish Main, the capture of St. Jago de Leon.[2] Of Gates we know less, but he had won the honor of knighthood in days when it was the reward of personal courage and capacity.

Constitution of the Company.[3]

A patent was granted by the king dated the 10th of April, 1606, which defined the boundaries of the plantation and made provision for the government. A Council of thirteen, nominated by the Crown and resident in the colony, was to govern in accordance with laws, ordinances and instructions to be given by the king. This body was to be under the control of a superior Council, established in England and nominated by the king. The resident Council was to have the right of coining money and the full control over all precious metals, paying a royalty of one-fifth to the Crown. The rights conferred on the patentees were: the free transport of emigrants and goods

[1] The patent of the two companies in Stith, Appendix.

[2] An account of this expedition, written by one Robert Davy, who himself took part in it, is published in Hakluyt, iv. 61.

[3] The patent, the names of the Council, and the orders are all given by Stith, Appendix L. and p. 36.

and the right to exact, if necessary by force, a duty from all persons trading with the colony, two and a half per cent. from English subjects, and five per cent. from foreigners. The proceeds were to accrue for twenty-one years to the Company, after that to the Crown. In November the king nominated a Council of fourteen. Among its members was Sir Thomas Smith, a leading member of the East India Company and foremost in all the commercial adventures of the age; Sir John Popham, Chief Justice of the Queen's Bench, and a patentee for the Plymouth, as Smith was for the London, plantation; Sir Walter Cope; Sir Henry Montague, the Recorder of London; Dodderidge, the Attorney-general; and three merchants from Bristol, Plymouth, and London. Here, too, we meet for the first time a name that for many years figures prominently in the history of America, Sir Fernando Gorges. The number of this Council was soon found insufficient, and eleven more names were added, including that of Sir Edwin Sandys, in later days the ruling spirit of the Virginia Company. At the same time a paper of instructions was drawn up and issued under the Privy Seal, fixing the constitution, if, indeed, it deserves that name, of the intended Company.[1] The resident Council was to be nominated by that in England, and was to appoint from among its own members a president, not in holy orders. The first articles of government provided for the maintenance of the Church of England, and the king's supremacy. The tenure of land was to be the same as that of the mother country. The outlines of a penal code were laid down in the orders. "Tumults, rebellions, conspiring, mutiny, and sedition, together with murder, manslaughter, incest, rape, and adultery," were to be tried by jury, and the offenders, if guilty, to be punished with death. Minor offenders, among whom were specially mentioned those guilty of "all manner of excess, through drunkenness or otherwise," and "all loitering, idle, and vagrant persons," were to be tried by the Council, and summarily punished at their discretion. All legislation was to be ultimately vested in the Crown. The President and Council might make laws and ordinances for the time being, provided they did not affect life or limb, but these only were to remain in force conditionally, and must be ratified either by the colonial Council in England or by the authority of the Crown. By another clause the power of legislation is distinctly claimed for the Crown, "pro-

[1] *Virginia Co.*, p. 4.

vided always that they (the ordinances) be such as might stand with and be consonant to the laws of England and the equity thereof"; a restraint not likely to be very effectual with a Stuart king or his counselors. The orders also provided that all trade was to be public and under the control of an officer appointed by the Council from among themselves, and called the Treasurer or Cape Merchant. Magazines were to be provided into which all the produce of the colony was to be brought and from which all necessaries were to be supplied to the settlers. One praiseworthy feature of the constitution deserves notice. It enjoined the colonists "to show kindness to the savages and heathen people in those parts, and use all proper means to draw them to the true knowledge and service of God."

Character of the constitution.

The constitution embodied in the patent and orders carried its character on its face. It differs entirely from any of those patents which have been already noticed. Those granted to Gilbert and Raleigh did nothing towards determining the nature or constitution of the intended settlements. After the most vague and general description of the supreme right of the Crown, all further arrangements were left to the patentees. The Virginia patent, on the other hand, claimed in the most absolute manner every detail of government as the province of the Crown. This was in part due to altered circumstances, in part to the different character of the two sovereigns. Yet we can hardly suppose that if the future of Virginia had been foreseen, or if the rapid prosperity of the colony had been looked for, such a constitution would have gone unchallenged. Even if the patentees were too eager to secure a groundwork for their commercial venture to question the terms of the bargain, yet we can hardly think that the statesmen who had not bowed the knee before the slavish principles of absolutism, would have suffered the king to gain such a vantage ground as his unrestrained control over the colony might have given him. Had the first constitution remained in force, Virginia might at a later day have become a most dangerous weapon in the hands of a despot. Her government might have been filled with placemen, her resources drained by arbitrary taxation, and the patronage and wealth thus acquired might have been used by the king with fearful effect against the liberties of his English subjects. Not that it would be reasonable to suspect James of any such far-sighted designs. Had he entertained them he never would have suffered his control over

Virginia to slip from his grasp with scarcely an effort to retain it. Had the whole influence and the whole revenue of Virginia ever been at his disposal, he would, in all likelihood, have heedlessly granted them away to some Scotch adventurer. The difference between James and his great predecessor is well illustrated by the manner in which each dealt with the newly-settled colonies. Elizabeth had a full share of the despotic temper of her race. But when she tyrannized, it was with a tyranny which never stooped to petty interference and meddlesome dictation. If the Nonconformists of her reign had sought to establish a settlement in the New World, they would probably have fared far worse with her than their successors did with James. But the narrow and sordid illiberality which would trust men with the task of founding a colony, but would grant them no share in its management, found no place in the policy of the great queen. And nowhere is the character of James's government, so strong in assertion, so weak in act, shown more clearly than in the history of Virginia. The absolute power claimed at the outset is filched away piecemeal without a shadow of resistance. The first constitution of Virginia made it a stronghold of despotism: in less than twenty years it was, in almost everything save name, an independent state.

On the 10th of December two ships and a pinnace, with one hundred and forty-three emigrants, were ready for the voyage.[1]

Preparations for the voyage.[2]

Orders were issued by the company giving the command over the fleet to Christopher Newport, an experienced seaman, who, fourteen years before, had distinguished himself in a raid on the Spanish main.[3] With him were associated Gosnold and a so-called John Ratcliffe, of whom we know nothing but that his enemies accused him of concealing his true name of Sickelmore,[4] and that his days in Virginia were few and

[1] Neill, p. 17. Neither Percy nor Newport mentions the exact number, and Smith's enumeration seems exact. He names eighty-two, and states that there were others, making the number up to a hundred.

[2] Our authorities for this expedition are: 1. Mr. Neill's *Virginia Company*. 2. An account written by George Percy, a leading colonist, and published in Purchas, iv. 1685. 3. Three MS. reports by Newport preserved among the State Papers. These have been epitomized by Mr. Sainsbury, Colonial Papers, 1607, May 21, and have been republished in the *Archæologia Americana*, vol. iv. For the later portion of the proceedings our best authorities are Smith, Wingfield, and Percy.

[3] Hakluyt, iv. 48.

[4] Smith, p. 72. In his letter to the Council, "Captain Ratcliffe is now called Sickelmore a poor counterfeited imposture." Again, p. 105: "John Sickelmore, alias Ratcliffe." Elsewhere Smith (or the writers from whom Smith's history is compiled) call him simply Captain Sickelmore. One of them calls him "a very valiant, honest, and painful soldier"

evil. These commanders were furnished with a sealed paper containing the names of the Council in Virginia, not to be opened till they reached their new home. At the same time they were furnished with orders for the conduct of the expedition after landing.[1] On their arrival the Council was to elect a president who should have "full power and authority, with the advice of the rest of the Council, or the greatest part of them, to govern, rule, and command all the captains and soldiers, and all other his Majesty's subjects of his colony, according to the true meaning of the orders and directions set down in the articles signed by his Majesty." Newport was instructed to spend two months in exploring the country and freighting the ships, and then to return to England. With these orders was a paper of suggestions, possibly drawn up by Hakluyt.[2] The settlers were directed to find a safe spot at the mouth of a navigable river. If the river should branch, they were to take the branch farthest to the northwest as most likely to lead to a passage to the South Sea. They were to go as far up as would allow a bark of fifty tons to float, and so to be as inaccessible as possible to enemies coming from the sea, without cutting themselves off from supplies. For the same object a small outpost was to be stationed at the mouth of the river to warn the settlers if a strange fleet should come in sight. So, too, the spot selected was not to be too thickly wooded, both for the labor of clearing, and the covert afforded to enemies. Strict attention was to be paid to the wholesomeness of the site. "Neither must you plant in a low or moist place, because it will prove unhealthful. You shall judge of the good air by the people; for some part of that coast where the lands are low, have their people blear-eyed, and with swollen bellies and legs, but if the naturals be strong and clean-made, it is a true sign of a wholesome soil." Of the colonists, two-thirds were to be employed at once upon the settlement, half to fortify and build, and the rest to till the ground. The remaining forty were to accompany Newport in his expedition. The principal objects to which he was to attend in his journeyings were the discovery of precious metals, and of a passage to the South Seas. About the treatment of the natives, the instructions are very full and minute. In no case was a settlement to be made in any spot where the savages could cut off the communications with the sea. To save their own seed corn, the English were to trade as much as possi-

[1] These orders are published by Mr. Neill. *Virginia Co.*, p. 4. [2] *Ib.*, p. 8.

ble with the natives for food, not betraying their purpose of settling lest they should be refused supplies. The writer of the instructions was evidently familiar with the adventures of the Spaniards, and knew the full value of firearms, and the superstitious awe with which the natives regarded them. The settlers were enjoined never to suffer the natives to carry their muskets. None but picked marksmen were to practice in the sight of the Indians, lest the terror which surrounded their weapons should be dispelled. So, too, the settlers were not to shake the faith of the Indians in the superior race as invulnerable and immortal. "Above all things do not advertise the killing of any of your men, that the country people may know it: if they perceive that they are but common men, and that with loss of many of theirs they may diminish any part of yours, they will make many adventures upon you. If the country be populous, you shall also do well not to let them see or know of your sick men (if you have any), which may also encourage them to any enterprises." Newport is instructed to bring home "a perfect relation of all that is done." No one is to leave the colony without a passport from the President and Council, or to send home any letter that may discourage others. The instructions end with an exhortation which bore little fruit. "Lastly and chiefly, the way to prosper and achieve good success is to make yourselves all of one mind, for the good of your country and your own, and to serve and fear God, the Giver of all goodness: for every plantation which your heavenly Father hath not planted shall be rooted out."

On the New Year's Day of 1607, the little fleet sailed from the Downs. Drayton was the laureate of the expedition, and Captain John Smith. the spirited lines in which he bade the voyagers

> Cheerfully at sea
> Success you still entice
> To get the pearl and gold,
> And ours to hold
> Virginia, earth's only Paradise,[1]

showed that the rock on which Frobisher and Lane had made shipwreck was still not without its dangers. The voyage was a tedious one. At the outset contrary winds delayed the fleet so long that it stayed for six weeks within sight of England.[2] Then,

[1] Drayton's works, ed. 1748, p. 421.
[2] Smith, p. 41. Percy in Purchas, iv. 1685.

instead of going to Virginia by the direct course which Gosnold had taken, the emigrants stopped in the West Indies to collect seeds and roots.[1] A long sea voyage is no unfruitful parent of strife, and the party already had within it elements of discord. Among the emigrants was one who played so important a part in Virginian history that he deserves more than a passing notice. Captain John Smith, like more than one of the characters with whom we shall meet, carried the versatile capacity and activity of the sixteenth century into a less congenial age. Even during his lifetime his doings passed from the domain of the historian into that of the romance writer. If contemporary accounts be true, his adventures in America, dramatic as they seem to us, were but the prosaic sequel to a far more marvelous career in the Old World. His tale, as told by himself and his admirers, is familiar to every student of colonial history.[2] The son of a Lincolnshire gentleman, he had learned the art of war on the battle-ground of Europe, the Low Countries. Thence his restless temper drove him to embark at Marseilles in quest of adventures in the East. Thrown into the sea by French pilgrims as a Huguenot Jonah, he had been saved by a pirate, and retrieved his fortunes by a successful voyage in the Mediterranean. In Hungary he had fought in single combat with a Turkish champion, and had borne off his enemy's head in the sight of the whole Christian army. He had been left for dead on the field of Rothenthurm, and sold into slavery. Rescued by a Turkish beauty, he was again enslaved by a jealous pasha, and after beating out his rival's brain with a club, had fled in disguise through the wilds of Circassia. His travels had led him through every civilized country in Europe, and to the court of Morocco. It is not strange that such a story should have excited the incredulity of his contemporaries. But, even if we mistrust some of the more romantic episodes, it would be unfair to set down the hero as a mere braggart, a Munchausen or a *miles gloriosus*. That he had his full share of boastfulness and vanity is likely enough, and there is reason to think that the hack writers of his own age availed themselves of his weakness and traded on his reputation. But whatever may be the truth as to details, there is confirmatory evidence of his military career in Eastern Europe, while his doings in America, for which there is ample authority, and that not always friendly, show him to have

[1] Newport, in *Arch. Am.*

[2] The original authority for all this is Smith himself. I have given elsewhere my reasons for believing his story, at least in part.

been brave, able, and public-spirited. No doubt he was in modern language an adventurer, but he has nothing in common with greedy, unscrupulous self-seekers, like Stukeley, nor does his character, as handed down to us, show any trace of the knavish, profligate, swaggering soldier of fortune who is a stock character of the Elizabethan stage. He seems to have been a thoroughly representative Englishman, active, self-reliant, untiring, humane though unsympathetic, faithful to his employers, but somewhat inclined to overrate his own services and to regard himself as an injured man, though without desiring any revenge beyond the liberty of grumbling. It was hardly wonderful that such a man should come into conflict with those set over him, and before the fleet reached Virginia Smith found himself under arrest. What was his precise offense it is impossible to say, but we may at least assume that if, as some writers tell us, he had been guilty of mutiny, in any sense at least beyond a technical one, he never could have held the positions of trust in which we afterwards find him. Be the cause what it might, Smith was cast into irons, and it was an evil omen for the young colony, that when the emigrants landed, the ablest man among them was a prisoner.

Landing of the settlers.[1]

After leaving the West Indies the fleet took a northwest course. Newport seems to have erred in his reckoning, and land was not reached till three days after the due time. If the story be true that the settlers thereupon lost heart, and would fain have returned to England, it says but little for the spirit in which they entered on their task.[2] Such an idea, however, if entertained, was set at rest by the discovery of land. On the 16th of April the voyagers sighted a point, which, in honor of the Prince of Wales, they named Cape Henry, and which proved to be the southernmost extremity of Chesapeake Bay. A party landed, and in a skirmish with the natives which followed, two were wounded. A fortnight more was spent in exploring the bay, and seeking for a place of settlement. On the 13th of May they fixed on a spot, choosing for security a peninsula, and named their new settlement Jamestown. The orders and the list of the Council were now opened. Smith was among those nominated on the Council, but for the present he was not allowed to take his seat.[3] That he was neither kept under arrest, nor debarred

[1] Smith, p. 42. Purchas, iv. 1686.
[2] Smith attributes this purpose to Ratcliffe.
[3] Smith, p. 42.

from active service, is shown by the fact that he accompanied Newport immediately afterwards on an exploring expedition.[1] The council then proceeded to elect a President. This choice fell on Edward Maria Wingfield.[2] Our information about him is for the most part derived from unfriendly sources, and it may be that his failure as President was as much due to the character of those under his rule as to his own failings. That he was a brave soldier and a just and honest governor appears certain, but he seems to have lacked any other qualifications for his post. His own writings present him to us as a pompous, formal man, with a strong sense of his own dignity, and with very little capacity for complying with the rough exigencies of colonial life.[3]

Newport's exploration.[4]

A week later Newport set forth with a party of twenty-three men to explore the river. He followed the stream upwards for three days, halting at various Indian villages, at all of which the English were hospitably received. Newport seems to have been exceptionally mild and conciliatory in all his dealings with the natives. One occasion, when informed by the guide of some slight act of discourtesy on the part of one of the Indians, Newport, misunderstanding the nature of the dispute, punished one of his own men, whereupon the Indian chief, not to be outdone, stayed the punishment and chastised the real culprit. Newport also seems on this occasion to have shown the same lavish temper in his presents to the Indians which at a later period offended Smith. The skirmish with the savages near Cape Henry now proved of service to the English, who, finding that their enemies were also hostile to the natives of James River told their new friends of the affair, and showed their recent wounds in confirmation of the tale. The principal chief in this neighborhood was a namesake, probably a son, of Powhatan, the great king of that country. His friendly feeling towards the English, and his authority over the natives, were shown not only in the above-mentioned instance, but by the summary manner in which he insisted on the restitution of some ammunition which

---

[1] *Arch. Am.*, iv. 40.

[2] The best authority for Wingfield's proceedings is his own paper called *A Discourse of Virginia*, relating the events of his presidency, and justifying himself against the charges of Smith and others. This paper is preserved among the Lambeth MSS. and has been published in the *Arch. Am.*, vol. iv.

[3] His own words (p. 102) are, "I have learnt to despise the verdict of the vulgar," a dangerous doctrine for the leader of a rough gang of colonists.

[4] This account and that of the following hostilities with the Indians is taken from Newport's own report.

had been stolen by his subjects. On the third day of their journey the explorers reached the falls, where Richmond city now stands. Newport would fain have explored the river farther, but was deterred by Powhatan's account of the difficulties, and, after fixing a cross with the royal arms on one of the islets, the party returned to Jamestown.

Those who stayed behind had been less fortunate in their dealings with the natives. Newport's party had their suspicions excited by the conduct of their guide, who, shortly before reaching Jamestown, refused to accompany them farther. Anticipating some evil, Newport pushed on, and found on his arrival that the settlement had been attacked by a band of two hundred savages. The assailants were beaten off, but one Englishman was killed and eleven wounded, among them four Councilors. Wingfield especially distinguished himself by his courage, and though unhurt, had a narrow escape, as an arrow passed through his beard. During the next fortnight the savages continued to harrass the English with petty attacks, and one settler, Eustace Clovell, who was rash enough to wander beyond the fort, was mortally wounded. On the 14th of June, two of the natives with whom Newport had made friends during his voyage up the river came to the fort: they explained to the English that all the attacks proceeded from certain hostile tribes, and that they themselves, and the other Indians along the river, would either join the settlers in an alliance, or endeavor to make peace between them and their enemies. Before departing they advised the English to cut down the long grass and weeds about the fort. That such advice should have been needed speaks somewhat ill for the military skill with which the defense was conducted. Seemingly the intercession of these new allies was successful, for we hear of no more attacks upon the fort.

Troubles with the Indians.

On the 22d of June Newport sailed for England with a cargo of clap-board, the first fruits of the new colony. Before his departure he asked Wingfield whether he thought himself settled in the government. Wingfield answered that the only men from whom danger could come were Gosnold and Archer, both Councilors, of whom the former had the power, the latter the will, to give trouble.[1] The evil which had appeared the most threatening now seemed set at rest. Owing, as it would seem, to the

[1] *Arch. Am.*, p. 77. All that follows is taken from Wingfield, Percy, and Smith's *True Relation*.

friendly interposition and authority of Powhatan, the Indians abstained from all hostility. But no sooner was one trouble abated than another sprang up. Sickness attacked the young settlement, and before long no less than forty had died, and there were but six healthy men in the fort. Among those who died was Gosnold, the only one of the Council who could work harmoniously with Wingfield. The discord which Newport feared soon showed itself. As might have been expected in a time of want, the division of supplies gave rise to disputes. Wingfield was accused, probably without justice, of taking more than a due share for his own use. His chief accusers were Archer, Smith and Ratcliffe. He met their charges with recriminations and accused them of partiality in the distribution of food. It is impossible to say how the case really stood, but it is at least clear that Wingfield did not seek to conciliate his opponents, and that he showed a spirit of bitter hostility to Smith, who, even by his enemy's admission, was laboring zealously and successfully to obtain supplies from the Indians. It ended in the council deposing Wingfield and substituting Ratcliffe in his place. Soon after this Wingfield was found guilty of slandering Smith and another colonist named Robinson, both of whom received damages from him, Smith one hundred pounds, Robinson two hundred. Worse troubles followed. The new President for some reason chastised one Reed, a smith. Reed struck the President back, and for this was sentenced to death. He thereupon brought a charge of mutiny against one Kendal. Reed was released, and Kendal was tried, condemned, and hanged.

During this time of trouble Smith had made several short excursions among the Indian tribes in the immediate neighborhood, but the state of the settlement had forbidden any distant expedition. The election of the new President and the suppression of Kendal's intended mutiny, gave a more settled aspect to affairs. Autumn, too, brought with it an abundant supply of wild fowl, and removed the fear of famine. Accordingly, it was decided to make a more thorough survey of the country, and to explore the Chickahominy River. A leader of the expedition was chosen by lot, and the task fell to the share of Smith. The country through which his route lay was under the immediate command of Powhatan's brother, Opechancanough.

Smith among the Indians.[1]

[1] The following account is taken from Smith's *True Relation*. The discrepancy between this and the account in his *History* is one of the points discussed in the Appendix.

He, unlike Powhatan, seems from the outset to have had an unfriendly feeling to the new-comers. Smith probably knew this, and was on his guard against an attack. After reaching a point beyond which his vessel could not go, he left his crew, and proceeded in a canoe with two Indian guides and two Englishmen. Smith's departure seems to have been the signal for an attack. The Indians fell upon the main body; one man was slain and the rest narrowly escaped. Smith was then attacked, and his two English followers killed. He himself tied his Indian guide before him as a buckler, and for a while by the help of his gun was able to defy the archery of the Indians. But in attempting to reach his canoe he fell into a swamp. Even then the Indians dared not approach him till at length, numbed with cold, he surrendered. The tale of his captivity, as first told by Smith himself, has few of those romantic features which gathered round it at a later period. Yet even when we discard all the more dramatic coloring of the later tale, it is clear that the presence of mind and ready resource of Smith, and his display of the superior attainments of the civilized man, made a deep impression on the savages, and laid the foundation of a most valuable ascendency over them. The use of the compass and the gun, and Smith's power of corresponding with his friends at Jamestown by writing, all greatly surprised his captors. For some days he was led about as a sort of state prisoner, showing off his accomplishments at the various villages, and was at length brought before Powhatan. The savage listened with interest to all that Smith told him of the civilized world, and in return gave him a full account of Virginia, its various tribes and their dealings with one another. Finally Smith was sent back in safety to Jamestown, rather as an ally than a prisoner.

Such was the tale of Smith's imprisonment, which he sent home to the friends of Virginia in England. A later account gives us a far more thrilling and romantic story. There Smith is kept in fear of his life, feasted indeed, but doubting whether the hospitality shown him did not forshadow his sacrifice. He is then made the object of "strange and hideous ceremonies," and his courage apparently tested by supposed supernatural terrors. The rescue of Smith in the very moment of execution by the melodramatic intervention of the beautiful Pocahontas has long done duty as the one episode which relieves the prosaic monotony of early Virginian history. Its romance is somewhat

impaired by the knowledge that Pocahontas could have been only about twelve years old at the time, and it is at least singular that the incident was never published to the world, till the career of "the Lady Rebecca" had invested her with a peculiar interest.

Further troubles at Jamestown.

In truth, it would seem as if Smith's life was in greater danger from his countrymen after his return than it had ever been from his captors. That the deposition of Wingfield was not the result of a factious combination between Smith and Ratcliffe is clearly shown by the conduct of the latter on Smith return. He accused Smith of being guilty, according to the Levitical law, of the death of his two followers, slain by Opechancanough.[1] Ratcliffe appears to have been the mere tool of Archer, and Smith's life was in danger, when, happily, Newport landed with a supply. His arrival was in every way opportune, for either before or immediately after it, Jamestown was burned down.[2] He was able in a measure to repair the loss from the ships' stores, and his crew were employed in building a public storehouse and church. Newport seems to have been the one man who could enforce some degree of discipline on the unruly settlement. The colonists were set to work, and order was so far established that Newport ventured to leave Jamestown, and, in company with Smith, to make an exploring journey into the Indian country.[3]

Newport's visit to Powhatan.

Whatever may have been Smith's relations with the Indians, it is clear that they were not prompted by personal ambition on his part. During his previous intercourse with Powhatan[4] he had impressed on the chief the greatness of his absent father, as he called Newport,[5] and he now seems to have contentedly taken a second place. Newport, as before, was lavish in his liberality to the savages, and in dealing with Powhatan acquiesced in the doctrine of the Indian that it did not befit great chiefs to higgle about trifles. Smith perceived that Powhatan's declaration was but a pretext for extortion. Luckily, however, the Indian showed a childish desire for some blue beads, and Smith, by representing them as the special insignia of English royalty, succeeded in obtainlng a large supply of corn on favorable terms. After parting from Powhatan the English went

[1] Smith's *True Relation.*

[2] *Arch. Am.*, vol. iv. p. 95. [3] *Ib.*, p. 97.

[4] Our knowledge of this visit is derived from Smith's *True Relation.*

[5] *True Relation.* On this point there is no discrepancy between Smith's earlier and later accounts.

to visit Opechancanough, by whom they were well received, and from whom more blue beads obtained a further supply of corn.

On Newport's return a fresh trouble ensued. One of the settlers, Martin, believed that he had discovered a gold mine. We are reminded of the infatuation of Frobisher's followers, when we read of "no talk, no hope, no work, but dig gold, work gold, refine gold, and load gold."[1] Smith, if we may believe his own account, protested against this delusion. Moreover, he was anxious to get the ship freighted and dispatched. Beside the tax imposed on the settlement by the maintenance of the crew, their presence seems to have been a source of idleness and profligacy. The ship became, in Smith's phrase, a floating tavern.[2] At length Newport sailed, taking with him Wingfield and Archer.

Supposed gold discovery.

Their departure did not at first mend matters. Martin and Ratcliffe, according to Smith's account, wanted to appropriate the public stores. Powhatan, too, had traded on Newport's liberality to obtain swords from the English, and now repeated the attempt with Smith. Smith's refusal offended the savage, and the English had to put up with various acts of petty hostility. Smith again figures in his own story as the champion and deliverer of the settlement. Ratcliffe and Martin were for mild measures, but Smith insisted on severity, and captured and flogged some of the principal offenders, only releasing them at the request of an embassy headed by Powhatan's daughter, "the nonpareil of her nation." Here, again, we cannot but suspect that we have another chapter in the Pocahontas romance.

Further troubles.[3]

Soon after Newport's departure another ship arrived. Through the providence of her captain, Nelson, who had laid in abundant stores, she was able to give seasonable relief to the settlers. Again a dispute arose between Smith and Martin as to freighting the ship with cedar or gold dust. Smith's view prevailed, and perhaps in consequence, Martin, the chief advocate of the supposed gold discoveries, sailed with Nelson for England. After their departure, Smith devoted seven weeks to exploring the shores of the bay and the Potomac river. On his return he found matters in confusion. The new-comers whom Nelson had brought out had all fallen sick. Ratcliffe's folly and

Smith becomes President.

[1] Smith, p. 53. [2] *Ib.*, p. 52.

[3] Our knowledge of all that occurs between Newport's departure and Smith's accident is derived from *Smith's History*.

injustice had produced a mutiny. Smith's return appears to have restored peace. Ratcliffe was deposed, and Smith became the titular, as he had been for some time the virtual, head of the settlement. His first proceeding was to depute his authority to Scrivener, who had come out with Newport and had already taken a leading part in public works at Jamestown. Smith then resumed his exploration of the bay. The first noteworthy feature of his voyage was the discovery of the Susquehannocks, a tribe of vast stature, who worshiped the sun, but, according to Smith's account, readily transferred their adoration to himself. They were altogether independent of Powhatan, and must have had a somewhat extensive communication with their northern neighbors, if it be true that their hatchets originally came from the French settlers in Canada. The rest of the expedition is too full of romantic episodes for us to accept it without question on no better authority than that of the principal actor. Smith's account, and we have no other, presents him to us as a sort of prosaic knight-errant, leading his little force safely through all the dangers of ambushes and savage warfare, deciding Indian wars by his alliance, and adjusting the terms of peace. After leaving the Susquehannocks, so runs Smith's tale, the English passed into the lands of another friendly tribe, the Moraughtacund Indians. Their warning to avoid the neighboring country of the Rapahannocks was disregarded, under the idea that it proceeded from a jealous wish to monopolize the English trade. The caution proved, however, to have been well founded. The English fell into an ambush and were attacked, but escaped without loss. Returning to their friends at Moraughtacund, they joined them in an expedition against their foes, reduced them to submission, and took part in a solemn ceremony, at which Smith acted as a general peace-maker. The English then turned homeward. Before reaching Jamestown they were attacked by the Nansemond and Chesapeake nations, but defeated them without the loss of a man, and exacted a boat-load of corn as compensation. On the 9th of September they reached Jamestown. In the same month Newport again landed in Virginia. This voyage was evidently intended to supplement and strengthen the infant colony, and not merely designed for trade like the last. Among the new-comers was Francis West, whose brother, Lord Delaware, was among the leading members of the Company. Moreover, there was a gentlewoman, Mrs. Forrest, with her ward, the first of their sex

who had settled in Virginia since the ill-fated Eleanor Dare. There were also eight Poles and Germans, who were intended to make pitch, glass, and soap-ashes. In fact it seemed as if the Company considered that the first band under Wingfield were pioneers to lay the foundation of a settlement, and as if the real social and economical life of the colony was now to begin.

The Company eager for immediate gain.

At the same time the Company expressed its dissatisfaction with the paltry results hitherto achieved, in a letter addressed to Smith. To this he replied in a temperate and sensible tone, reminding the Company of the difficulties which beset an infant colony, and the impossibility of at once assuring the prosperity and stability of the settlement, and obtaining profitable results.[1] The dispute illustrates the dangers which attend an undertaking like that of the Virginia Company. Such a body can seldom, if ever, raise its aims above immediate gain, or regard the permanent welfare of the settlement as more than a secondary object. The dealings of the Virginia Company with its servants in the time of Sir Thomas Smith are not unlike those of the East India Company in its early days. Its servants are at once instructed to administer affairs with a strict view to justice and to the good of the community, and to satisfy the demands of the shareholders. There is not much doubt which half of the instruction will be accepted as the more important. The Company's orders to Newport furnished another example of the mischief caused by the need of some immediate and showy result. He was instructed to discover either a lump of gold, a passage to the South Sea, or some of Raleigh's lost colonists.[2] The labor devoted to any one of these objects would have been far better spent in building houses, clearing ground, and growing corn. Another point in Newport's orders excited Smith's indignation, perhaps with less justice. He was furnished with certain presents for Powhatan, valuable according to the standard of a savage, and was instructed to go through the ceremony of formally crowning the Indian chief. The latter was an idle piece of formality, like the creation of a Virginian peerage for the benefit of Manteo. But the English policy towards Powhatan had at least the merit of winning and retaining the loyalty of the savage. After the ceremony of Powhatan's coronation had been accomplished, not without some reluctance on the part of the chief

[1] Smith's answer is published in his *History*, p. 70. From this it is easy to gather the general subject of the Company's remonstrance.

[2] Smith, p. 66.

performer, Newport set forth on his exploration. No discovery either of the South Sea, the lost colonists, or gold rewarded his labors, and he returned to Jamestown after an uneventful journey which bore no fruit, either for good or ill.[1] In the mean time Smith was more usefully employed in freighting the ship with timber and wood-ashes, and in testing the possibility of manufacturing pitch and glass.[2] Soon after Newport's return the ship sailed, carrying Smith's remonstrance to the Company. Amongst those who returned was Ratcliffe, whose unpopularity, if Smith is to be believed, made it unsafe for him to stay in the colony.[3]

Hitherto the founders and supporters of the colony had little cause to congratulate themselves on their success. From an economical point of view, the profits had been as good as could be reasonably expected, far better, indeed, when we consider the material of which the colony was made. But in every other respect the result was utterly discouraging. The history of the settlement almost from the time it left Plymouth had been a succession of quarrels. As might have been foreseen, the air of Virginia could work no charm to turn wild spendthrifts into hard-working settlers. The colony had been saved from famine, perhaps from massacre, by the energy and courage of one man. In the short space of a year and a half, two Presidents had been deposed. What wonder if, in the plays of the day, Virginia figured as a Transatlantic Alsatia, the last refuge of the destitute and dishonest.[4] But the influences at work on behalf of this colony were strong enough to overcome the discouragements, and the men who had undertaken to settle Virginia were not to be laughed out of their scheme, or disheartened by a single failure. The critical nature of the occasion

Prospects of the colony in England.

[1] Our knowledge of Newport's voyage is derived from Smith's *History*. Had the expedition been conducted by Smith himself, some more impressive episodes would probably be recorded.

[2] Smith, p. 70.

[3] *Ib.*, p. 72.

[4] We find in the contemporary pamphlets on behalf of Virginia, more than one remonstrance with the play-writers of the day for their disrespectful treatment of Virginia. Thus in the *New Life of Virginia*, published in 1612, by authority of the Council for Virginia, and republished in Force, vol. i., we read how "The malitious and looser sort (being accompanied with the licentious vaine of stage poets) have whet their tongues with scornful taunts against the action itselfe." Strachey again, in a prayer drawn up apparently for the use of the colony, and published in Force, vol. iii., denounces "Sanballats and Tobias, Papists and Players, and such like Amorites and Heronites, the scum and dregs of the earth." The only passage I have met with to which these charges are applicable is in Fletcher's *The Noble Gentleman*, Act 1, Sc. i., where a husband being asked to bring his wife to court, says:—

"Sir, I had rather send her to Virginia
To help to propagate the English Nation."

A little later Virginia figured not ungracefully in more than one mask.

seems to have roused them to fresh efforts. The year 1609 saw an outburst of energy and activity from which the beginning of English colonization may be almost said to date. Sermons were preached, and pamphlets published, putting forward the claims of the colony. From one of the latter, entitled "Nova Britannia,"[1] we may form a good idea of the nature of these appeals. The writer, probably himself one of the original shareholders, sets forth the charms of Virginia, its fertility, its stores of minerals and timber, of silk and furs. "The natives are generally very loving, and do entertain and relieve our people with great kindness." He then dwells on "the swarms of idle persons which having no means of labour to relieve their misery, do likewise swarme in lewde and naughty practices, so that if we seeke not some waies for their forreine employment, we must provide shortly more prisons and corrections for their bad conditions." Recent experience might have shown that bad subjects at home become worse in a colony. The writer, however, qualifies his statement. "I do not mean that none but such unsound members, and such poor as want their bread, are fittest for this employment." Especially would the colony be valuable as opening a fresh market for English cloth and "raising againe of that ancient trade of clothing so much decayed in England." Our navigation is to revive, and the glories of the last reign are to return. "We shall not still betake ourselves to small and little shipping as we daily do beginne, but we shall rear againe such Marchants Shippes both tall and stout, as no forreine sayle that swimmes shall make them vayle or stoop; whereby to make this little northern corner of the world to be in a short time the richest storehouse and staple for marchandise in all Europe."

If these soaring hopes were to be fulfilled, the whole organization of the colony needed to be shaped afresh. One great defect in the existing constitution was that it withheld all share in the management of the colony from the real promoters, the patentees, and entrusted it to a body of men who were in no wise specially interested in the success of the undertaking. Moreover, it was clear that the control of the emigrants must be vested in men of greater influence and higher station than Smith and Wingfield. It was evident, too, that the system of double government, by two Councils, one resident and the other non-resident, was thoroughly unsatisfactory. In the

Change in the constitution of the Company.

[1] Republished in Force, vol. i.

spring of 1609, a new system was established remedying these evils. Who was the immediate author of the change does not appear. On the 23d of May, a charter was granted to the Company, constituting it a corporation, and specifying all its members by name.[1] Every rank, profession, and trade supplied representatives. The list is headed by Salisbury, and the name of Bacon appears here as it does in the East India Company. The subscriptions were not confined to individuals, as all, or nearly all, of the London companies appear in the list. Taken altogether, the constitution of the company betokens a wide-spread interest and confidence in the success of the undertaking. By this charter the extent of the plantation was more exactly defined than by the former instrument. It was to extend along the coast two hundred miles on each side of Cape Comfort, and inland for one hundred miles. The whole constitution of the colony and the company was remodeled. The government was vested in a Treasurer and Council, composed of members of the company. Sir Thomas Smith was appointed Treasurer. The Council was to be originally nominated by the king, but vacancies in it were to be filled up by a vote of the whole company. All legislative power, and the right to appoint colonial officers, was vested in the Council. The company was given full sovereignty over all British subjects who might settle in Virginia. It had the right to export settlers, and was to enjoy immunity from all duties, except five per cent. customs, for twenty-one years. It was also empowered to wage defensive war by sea and land, and to exact a duty upon all imports and exports of five per cent. from British subjects, and ten per cent. from aliens, the proceeds as before to accrue to the company for twenty-one years, and then to the Crown. Virtually the company was established as an independent community governed by a representative body.

The best idea of the plans of the company, and of the system on which it was constructed, may perhaps be gained from the pamphlet to which I have already referred. The stock was to be taken up in shares of 12*l.* 10*s.* each. Personal emigration in the service of the company was to be equivalent to the price of one share. All "extraordinary men," divines, public officers, physicians and others, were to receive a certain number of shares proportioned to the supposed value of their services. The proceeds

[1] This document is to be found in the *Col. Entry Book*, lxxix. p. 49, and in the Appendix to Stith.

were to be spent upon the settlement, and the surplus was either to be divided or funded for seven years. During that period the settlers were to be maintained at the expense of the company, while all the product of their labors was to be cast into the common stock. At the end of that time every shareholder was to receive a grant of land in proportion to his stock held. Those shares which had been taken up later than 1609 were to suffer a proportionate diminution. The company, as thus designed, was to be a vast joint-stock farm or collection of farms worked by servants who were to receive, in return for their labor, all their necessaries and a share in the proceeds of the undertaking. How far the company contemplated the possibility of private farms in the territory under their jurisdiction seems doubtful. The provision of the charter which empowered the company to levy duty on all imports and exports, would seem to suppose the possibility of private trade, and the records seem to show faint traces of such undertakings.

At first one is inclined to think that the company would have done better to allot private holdings of land at once, reserving for themselves rents and custom duties, or to adopt a system of *métayer* tenure, and in either case to have trusted the future of the colony to the stimulus of private enterprise. But it must be remembered that the company deliberately laid its account to managing what was little better than a penal settlement. Many of the emigrants were sure to be men who could be made to work by nothing short of a slave-gang system. If the company had kept to the plan on which they started, Virginia never could have become a flourishing community, but it is not at all certain that they did not, from a merely economical and commercial point of view, act with wisdom.

The voyage of 1609.[1]

To such good purpose did the friends of the colony plead its cause, both in the press and the pulpit, that, in spite of the somewhat discouraging conditions of service, five hundred emigrants were collected. The character of the

[1] We have two contemporary accounts of this voyage and of the discovery of the Bermudas, both written by men who took part in the voyage. One is by William Strachey, and is entitled *A true Report of the Wrecke and Redemption of Sir Thomae Gates, Knight, upon and from the Ilands of the Bermudas, his coming to Virginia, and the estate of that Colonie then and after under the government of the Lord La Ware*, published in Purchas, vol. iv. p. 1734. The other is entitled *A Plain Description of the Bermudas*, published in 1615 and republished, Force, vol. iii. Strachey's account is written in a style of considerable literary pretension. It is at times turgid, but on the whole powerful and graphic. The other account is a far more homely performance and perhaps the more trustworthy of the two.

men to whom the management of the colony was now entrusted was a guarantee for a vigorous and upright policy. Lord Delaware had been in the spring appointed Captain-General and Governor of the English colonies to be planted in Virginia. For the present, however, he was willing to leave the control of the colony to the most experienced and capable members of the company, and the command of the present expedition was entrusted to Gates, Somers, and Newport. Ratcliffe, despite his previous failure, returned with them. On the 1st of June they set sail with a fleet of nine vessels. In the very hour of departure a dispute broke out between the three leaders which in its results was nearly fatal to the colony. Being unable to settle the question of precedence, they decided that all three should sail in one ship. About the end of July a storm scattered the fleet. Seven out of the nine ships at length reached Virginia, but one perished, and the Sea Venture, in which were the three leaders, was completely cut off from the rest of the fleet. The ship was, in the words of one of her crew, "so shaken, torn, and leaked, that she received so much water as covered two ton of hogshead about the ballast." For five days the crew baled and pumped "without any intermission, and yet the water seemed rather to increase than to diminish; insomuch that all our men being utterly spent, tyred and disabled for longer labour, were even resolved, without any hope of their lives, to shut up the hatches, and to have committed themselves to the mercy of the sea." Some sank down, utterly exhausted, and slept: others stupefied themselves with strong drink.[1] But there was at least one man on board who had been trained in a school where death was no stranger, and who did not think that a man could face it best drunk or sleeping. As undaunted as when in the prime of manhood he had fought his way up the cliffs above St. Jago, Somers sat for three days and nights on the poop, scarcely eating or drinking, using all his skill to keep the vessel upright and save her from foundering. When everything seemed hopeless a cry of "land" from Somers roused the crew from their despair. By dint of hard pumping the ship was kept above water till within half a mile of shore, where, "fortunately in so great a misfortune," she stuck fast between two rocks. The whole company, one hundred and fifty

[1] "Some of them having good and comfortable waters in the ship fetcht them and drunke one to the other, taking their last leave one of the other until their more joyful and happy meeting in a more blessed world."—*Plain Description*, p. 10. The quaintly euphemistic language suggests that the writer was himself an actor in this part of the affair.

in number, landed in safety, with a good part of their furniture, which the sea had spared, and most of the gear from the ship.

The land proved to be the Bermudas, a "land never inhabited by any Christian or heathen people," and a name of dread to the seamen of those days as "ever esteemed and reputed a most prodigious and enchanted place, affording nothing but gusts, storms, and foul weather."[1] The island, however, completely belied its evil reputation. It was found to be a very garden of nature, "the richest, healthfullest, and most pleasing land as ever man put foot upon."[2] The energy of Somers supplied his companions with abundance of fish and hog's flesh, to which they soon added turtles, wild-fowl, and various fruits. The island gave promise of abundant resources to make it a possession of permanent value. Pearls and ambergris, both of the best quality, abounded, and whales were seen in numbers off the shore. For ten months the emigrants stayed on the island, during which time two children were born and one marriage solemnized. Meanwhile the leaders of the expedition did not forget their original object. Two pinnaces were built and fitted as well as they could be with the gear saved from the wreck of the Sea Venture. These were stored with salted hogs'-flesh and other food, and on the 10th of May the voyagers set sail for Virginia.

Discovery of the Bermudas.

On their arrival there a discouraging spectacle met their view. From the time of Newport's departure in 1608 everything had gone amiss with the settlement. Powhatan, if we may believe Smith's account, was perpetually intriguing to get the settlers in his power, though his devices were baffled by the craft and courage of the President. The treachery of the Indians was abetted by some Germans whom Smith had sent to Powhatan to build him a stone house, and who seemingly preferred his interests to the welfare of the English. Pocahontas, it is almost needless to say, figures throughout the story as the good genius of the settlers, warning them of the hostile schemes of her countrymen. Finally the hostility of Powhatan was averted by a happy accident. An Indian prisoner at Jamestown was accidentally stupefied by the fumes of charcoal and was believed by his countrymen to be dead. Smith restored him by the

State of the settlement of Virginia.[3]

[1] *Plain Description*, p. 11. [2] *Ib.*, p. 11.

[3] Our knowledge of this period is derived mainly from Smith's *History*. We have also two letters, one from Archer, in Purchas, vol. iv. p. 1733, the other from Ratcliffe to Lord Salisbury, *Col. Papers*, Oct. 4, 1609.

application of aqua vitæ and vinegar. The supposed resurrection of a dead man impressed the Indians with a deep reverence for the supernatural powers of their enemy, and for a while the settlement enjoyed an immunity from attacks. About the same time the material condition of the colony seems to have been brightened by a transient gleam of prosperity. We can readily believe the statement that the President, true to his old military habits, succeeded in establishing regular hours of labor, and that under his management houses were built, the church roofed, and fishing weirs made. Thirty or forty acres were brought under tillage, and the live stock increased rapidly. Despite this it was needful to divide the colony by sending out three detachments to the oyster fisheries and by billeting some among the Indians. A series of calamities soon robbed the colony of the services of its ablest members. Scrivener, who had acted as Smith's deputy, was upset in his boat while trading among the Indians and was drowned, with nine others, among whom was a brother of Gosnold.

In May, 1609, the fleet arrived, having, as we have seen, lost its leaders. This addition to the numbers of the colony seems to have brought nothing but misfortune. Smith describes the new-comers as "unruly gallants, packed thither by their friends to escape ill destinies."[1]

Departure of Smith.

The old enmity of Ratcliffe, Archer, and Martin towards Smith again made itself felt, and the authority which the President had established over the settlers was at an end. The folly of the new-comers soon involved the settlement in descreditable squabbles with the natives. The formal purchase of a tract of land from Powhatan, with the understanding that each of its inhabitants should pay a tribute of corn to the new-comers on condition of being protected against their enemies, the Manakins, is the only sensible or useful transaction recorded during this time. At length an accident robbed the colony of the one man who was able to protect it from danger without, and to enforce some degree of order within. An accidental discharge of powder injured Smith so severely that he was forced to return to England, never to revisit Virginia.[2] With all his boastfulness and arrogance, his services to the colony had been solid and valuable.

[1] Smith, p. 90.

[2] According to Ratcliffe, he was sent home to stand his trial. Archer does not confirm this, but refers to dissensions for which Smith was to blame.

The positions of authority and trust that he afterwards filled are in themselves sufficient proof that his colonial career was highly esteemed in his own age, and though the special incidents with which popular belief has associated his name may be fabulous, yet it is no unjust chance which has given him the foremost place in the early history of Virginia.

After Smith's departure, the post of President devolved on Percy. That amid all the complaints and abuse which were indiscriminately heaped upon the leading men of the colony, his character should have escaped, is in itself high testimony to his conduct. But his health was so feeble that he had nothing more than the weight of his name wherewith to enforce his authority. As might have been expected in such a community, that proved unavailing, and utter anarchy and destitution ensued. The Indians slew the settlers' hogs, and cut off any stragglers from the fort. Ratcliffe, who had gone in command of a foraging party, was entrapped into an ambush by the Indians and killed, with thirty of his men. The outward aspect of the colony proclaimed its state of anarchy and distress. Jamestown looked more like the ruin of an ancient fortress than an inhabited town. The palisade was torn down, and the gates off their hinges. Rows of deserted houses told of the mortality which had thinned the settlement, while their shattered timbers, torn and broken for firewood, bore witness to the sloth and thriftlessness of the survivors.

Wretched condition of the colony under Percy.[1]

Such was the spectacle which met the eyes of Gates and Somers on their arrival from the Bermudas. As might be supposed, the new-comers found themselves unable to bring about any lasting improvement. Luckily some part of the stores brought from the Bermudas still remained, and the vessels at command were enough to embark the whole colony. A consultation was held, and it was found that the stores could not last for more than sixteen days. To break up the colony was a hopeless confession of defeat, a step only to be taken in the last ex-

Intended break-up of the colony.[2]

[1] Our knowledge of the internal condition of the colony after Smith's departure is derived from: 1. Percy's account in Purchas. vol. iv. ch. 2. 2. The report of Gates and Somers on their arrival. The latter is found in a letter from Lord Delaware and his council to the London Company, published in Mr. Major's introduction to Strachey's *Travayle into Virginia*. 3. A pamphlet published in 1620 by authority of the Company, entitled *A Declaration of the State of the Colony in Virginia*. Republished in Force, vol. iii. 4. Strachey's account above referred to. We have also a statement drawn up in 1624 at the time of the attacks on the Company, entitled *A Brief Declaration of Virginia*. It appears to have been written by one of the original colonists. It is epitomized in the "Colonial Papers."

[2] Delaware's letter, p. xxvii. Strachey in Purchas, vol. iv. p. 1752.

tremity, yet to stay meant to die of famine. Accordingly, the settlers decided to embark in the two pinnaces, and to make for Newfoundland, where, as it was now the fishing season, they might find supplies, and get shipping for England. A proposal to burn Jamestown was resisted by Gates, and on the 7th of June, at noon, the settlers, with a salvo of small arms, bade farewell to the colony. At that moment it might have seemed to the most sanguine as if an impassable barrier was set up against the settlement of Virginia. Each attempt had been more costly than the one before it, and each had miscarried more miserably. Lane's colonists had returned as they went, baffled only by inexperience and weakness, and having done their duty as pioneers. White's had failed through no fault of their own, but through the sloth and folly of those who should have succored them. The present settlers had received every help and every care that they could ask, the wisest and richest men of the age had lavished thought, energy, and money on the colony, and this was the end. The very magnitude of the undertaking made the failure more final, and any attempt at a revival more hopeless. At length, however, in its darkest hour, a gleam of good fortune visited the luckless settlement.

Early in the spring of 1610, Delaware had determined to sail in person for Virginia with three ships. In a sermon preached at the Temple Church, William Crashaw bade him God speed, as one "whom God had stirred up to neglect the pleasures of England, and with Abraham to go from thy country, and forsake thy kindred, and thy father's house to go to a land which God will show thee"; and reminded him how "his ancestor had taken a king prisoner in the fields, in his own land," while it was left to him, "by the godly managing of this business, to take the devil prisoner in open field and in his own kingdom."[1] On the 10th of April Delaware sailed.[2] After a rough passage, in which the ships were separated, they reached Chesapeake Bay. The fleet anchored off Cape Comfort, where, in Delaware's own phrase, "we met with much cold comfort." The commander of the fort here came on board and "unfolded a strange narrative of double

Arrival of Delaware.

[1] Crashaw's sermon was published, seemingly without the author's consent. Mr. Neill gives copious extracts from it in his *English Colonization*, p. 35.

[2] Our authorities for Delaware's voyage are his own letters above referred to, and Strachey's account in Purchas. We have also a letter from Delaware to Lord Salisbury, *Colonial Papers*, July, 1610, and one from Somers to Salisbury, June 15. Mr. Major adduces substantial arguments for supposing that Delaware's letter to the Council was written by Strachey.

qualities, mixed both with joy and sorrow." He told them of the safe arrival of Gates and Somers, and of their resolution to abandon the settlement. Delaware, on hearing this, promptly manned his long-boat and sent it to meet and stop the pinnaces. On the next day the long-boat met Gates near Mulberry Island. The vessels immediately turned up stream, and were brought by a favorable wind to Jamestown that night.

Two days later Delaware himself landed. After a sermon had been preached, he caused his commission to be read. Gates then delivered up his commission with both patents and the seal of the Council. The new Governor immediately took vigorous measures for establishing his authority. He delivered an address to the settlers in which he "laid some blame on them for many vanities and their idleness, earnestly wishing that he might no more find it so, lest he should be compelled to draw the sword of justice to cut off such delinquents, which he had much rather draw in their defense to protect from enemies." [1] The wretched state of the colony is shown by the fact that the Governor transacted business on board his ship as there was no house fit for the purpose.[2] A Council was appointed, consisting of Gates, Somers, Percy, Wenman, Newport, and Strachey. The first necessity was a supply of food, and to obtain it seemed no easy task. The Indians and the settlers, between them, had consumed all the live stock of every kind. Of six hundred hogs not one remained, and even the horses had all long since been eaten. No supplies could be looked for from the savages. In this strait Somers volunteered his services. He would go with his pinnace to the Bermudas and bring back a supply of fish and flesh for six months, together with some live hogs, which abounded in the newly-found islands. On the 9th of June he set sail, accompanied by a small vessel, whose commander, Samuel Argall, a young kinsman of Sir Thomas Smith, played at a later day a leading part in Virginian history.[3]

State of the colony under Delaware.

Meanwhile Delaware did what he could for the present support of the colony. The food was carefully doled out in small quantities. Fishing was tried both in the river and along the coast, but the result was not enough to repay the labor spent.[4] In five months one hundred and fifty of the settlers died.[5] Famine was

[1] Delaware's letter, Major, p. xxix. [2] *Ib.*

[3] Our authorities for Somers's voyage and the remainder of Delaware's sojourn are Delaware's own letter, the *True Declaration*, the *Brief Declaration*, and Strachey in Purchas.

[4] Major, p. xxxi [5] *Brief Declaration.*

not the only form of misery from which the settlers suffered. Delaware had brought out with him a code, compiled from the martial laws in force in the Low Countries. In an amended form, in force a few years later, to which I shall have occasion hereafter to refer, this code is still extant. The severity of it may have been, and probably was, increased, but even in their original form the laws must have been such that nothing but the utter prostration of the settlers and the commanding position and character of Delaware could have made them tolerated. Straitened though he was for resources of every kind, Delaware had not remained inactive. Two small forts were built in a fertile and well-watered spot for the reception of new-comers. Newport captured an Indian chief with his son and nephew, from whom Delaware exacted a promise of five hundred bushels of corn in return for a quantity of copper beads and hatchets. To insure the execution of the promise, the nephew was detained as a hostage. For greater security the young Indian was taken on board ship with his legs fettered. Notwithstanding he leaped overboard, and, as it was believed, escaped safe to the mainland. As might have been foreseen, when the time came round the corn was not forthcoming. Delaware determined to punish this treachery, and a force of some fifty picked men was sent against the Paspaheys, the tribesmen of the criminal. The Indians fled before the invaders. The English burned their houses, and fourteen of the fugitives, among whom were the queen and her children, fell into the hands of the English, and were put to death. In another skirmish at the falls of the James River, two or three of the settlers were slain, among them Francis West, Lord Delaware's nephew, and two were taken prisoners, a triumph which seems to have specially delighted the natives. A somewhat ill-timed expedition in quest of gold and silver mines ended in the slaughter of all the miners by the Indians. These disasters seem to have disinclined the settlers for further adventures, and for five months they remained quiet, "doing little but suffering much."[1]

The summer passed away and the looked-for supplies from the Bermudas did not come. Shortly after sailing, Argall had been separated from Somers by a fog and driven back by stress of weather. Reaching the mainland north of Cape Cod, he coasted southwards, fishing and trading with the natives for corn. Coming farther to the south, he sailed up the Potomac. There he not

[1] *Brief Declaration.*

only obtained four hundred bushels of corn from the king of the country, but recovered an English prisoner, Henry Spelman, the sole survivor in the massacre of Ratcliffe's troop the year before. Meanwhile Somers pushed on in spite of contrary winds, and at length reached the Bermudas. But his labors had been more than three score years could bear, and in November the brave old man died in the island that he had discovered, toiling to the last for the colony which he had done so much to found. On his death-bed he commanded his nephew, who was left in command, to return to Virginia, but his orders were disregarded. Somers's heart was buried in the island, and his body brought back to England and interred with military honors at Whitchurch, in Dorsetshire.[1]

By the end of the year 1610 the news of the misfortunes in Virginia had reached England. The Company were utterly disheartened. The adventurers became remiss in paying for their shares.[2] The funds of the Company ran short and the profits failed,[3] while Delaware impressed upon them the utter futility of their present policy, and the necessity for greater outlay. "Only let me truly acknowledge," he says in a letter written from Jamestown a month after his arrival, "they are not a hundred or two of depaucht hands dropt forth year after year, with penury and pressure, ill provided for, before they come, and worse governed when they are here, men of such distempered bodies and infected minds, whom no examples daily before their eyes, either of goodness or punishment, can deter from their habitual impietics or terrify from a shameful death, that must be carpenters and workers in this so glorious building. But to delude and mock the business no longer, as a necessary quantity of provisions for a year must be carefully sent with men, so likewise must there be the same care for men of quality and painstaking men of arts and practices chosen out and sent into the business."[4] The Company, feeling probably the

State of affairs in England. Advice of Gates and Delaware.

[1] *Travayle into Virginia*, p. 39. See letters from the Virginia Company, and from Matthew Somers, Sir George's nephew. *Virginia Company*, pp. 55, 57. Mr. Neill has a curious statement that Somers died from a surfeit of wild hog's flesh, *English Colonization*, p. 50. In his later work he says that Somers's "frail body succumbed to the hardships he had encountered." One would fain believe that such a hero did not perish by a thoroughly unheroic death.

[2] Letter from Chamberlain to Carleton, Col. Papers, 1612, Aug. *New Life of Virginia*, p. 20.

[3] For the financial condition of the company, see *New Life*, pp. 11, 20.

[4] Major, p. xxxi. The very same words are used by Strachey in Purchas, vol. iv. p. 1750; a strong confirmation of Mr. Major's view as to the authorship of Delaware's dispatch.

difficulty in carrying out Delaware's advice, seriously debated the abandonment of the whole scheme.[1] Fortunately Gates arrived in England at the end of the year, and his report was on the whole encouraging to the Company.[2] He drew a vivid picture of the astounding fertility of the soil. Wheat yielded six or seven hundredfold, and "beside, the natural pease of the country, returns an increase innumerable; and garden fruits, with roots, herbs, and flowers, do spring up speedily; all things committed to the earth do multiply with an incredible usury." Moreover, the Frenchmen brought over by Delaware gave promise of a plentiful vintage. Whatever sickness there had been was due to want of judgment in the choice of a site. Finally, Gates adjured the Company not to neglect a trade which would in a great measure make them independent of foreign countries. "For our commodities in the straights we stand at the devotion of politique Princes and States who for their proper utility devise all courses to grind our merchants, all pretences to confiscate their goods, and to draw from us all manner of gain by their inquisitive inventions; when in Virginia, a few years' labor by planting and husbandry will furnish all our defects with honor and security."

Gates's exhortations were not wasted on the Company, and early in the spring, three ships were fitted out with three hundred settlers and supplies of food for a year. The command of the expedition was given to Sir Thomas Dale, who was appointed High Marshal of Virginia. Of his previous character and exploits we know nothing, but his later career proves him to have been a true representative of that adventurous generation which was just passing away; energetic, self-reliant, self-asserting, without weaknesses of his own and merciless to those of others. Dale's arrival in Virginia was fortunately timed. Delaware had been driven by ill-health to leave the colony. With his commanding influence no longer over them, the colonists had gone back to their old habits of sloth and improvidence. Many of them spent their time playing bowls in the streets of Jamestown while their houses were crumbling before their eyes. Content to trust to the chance of supplies from England, they had neglected to sow any corn.[3] Dale at once set to work to

Sir Thomas Dale.

[1] Purchas, vol. iv. p. 1758.

[2] The substance, if not the actual words, of this report are given in the *True Declaration*, p. 21.

[3] For events about this time we have a fresh authority in Ralph Hamor, the author of *A True Discourse of the Present State of Virginia*, published in 1615. He was a man of high

remedy these evils. Corn was sown, timber was felled, and the houses repaired. Active preparations were made for settling a new plantation. At the same time, knowing the importance of encouraging those in England by some immediate return, Dale labored diligently to get his three ships freighted.[1] His letters home, while they candidly admit the difficulties with which he was beset, are full of schemes for the advancement of the colony. It will be "an enterprise of charge, but let him only have two thousand men and he will settle five plantations up the river and overthrow the subtle mischievous great Powhatan."[2] Of the ultimate gains to be looked for, and of the resources of the country, he draws a glowing picture. "Take the four best kingdoms of Europe, and put them all together, and they may no way compare with this country for commodity and goodness of soil."[3] The only drawback to the prosperity of the colony was the abject character of the settlers. As for those whom Dale himself brought out, "they are profane, and so notorious and so full of mutiny that not many are Christians but in name." "Their bodies are so diseased and crazed that not sixty of them may be employed upon labor." Yet, strange to say, he suggests that England should follow the example of Spain, and, as the only means of peopling the colony for the next three years, send over all criminals condemned to death.[4]

The first Virginian code.[5]

If it was Dale's object to make Virginia a penal settlement, his predecessors had furnished him with a system on which it could be fitly governed. A code of laws, already mentioned as introduced by Gates or Delaware, was now confirmed and supplemented by Dale. The basis of this code was the military law in force in the Netherlands, to which certain additions were made specially applicable to the wants of a new country. The code accordingly consisted of two portions, one military, the other civil. Of the first it is enough to say that its extreme and pedantic minuteness must have made it practically a dead letter in a rude and unsettled country. The civil code

standing in the colony and in favor with Dale. The destitute state of the colony is described by him, p. 26.

[1] Dale's proceedings are described both by Hamor and in his own letters, Col. Papers, 1611, Aug. 17, 1641, June 3. Besides these there is a third letter from Dale published in Purchas, vol. iv. p. 1768.

[2] Dale to Salisbury, Aug. 17, 1611.

[3] Dale's letter to the Company, quoted in the *New Life*, p. 12.

[4] Letters to Salisbury.

[5] These laws are published in Force, vol. iii.

deserves more minute attention. It is interesting both as an illustration of the legislative ideas of that day, and also as showing what manner of settlement some of the most energetic founders of Virginia sought to establish. It is scarcely too much to say, that in the hands of an unscrupulous or wrong-headed governor it would have given rise to a system of tyranny little more merciful than that which had goaded the Netherlands into revolt. That conformity to the Church of England should be required was in that day but natural, and in a newly-settled community, where none need go but of their own free choice, could not be regarded as a hardship. But even good churchmen might demur to a system which enforced attendance at daily worship by a penalty of six months in the galleys, and at Sunday service by a penalty of death. To blaspheme the name of God, to "speak against the known articles of the Christian Faith," or "to speak any word or do any act which may tend to the derision or despite of God's holy word," were all capital crimes. The sanctity of the clergy was guarded by a clause whose severity was enhanced by its arbitrary character. It ordained that any man who should "unworthily demean himself unto any preacher or minister of God's word," or fail to "hold them in all reverent regard and dutiful intreaty," should be openly whipped three times, and after each whipping should publicly acknowledge his crime. Nor was this the limit of the respect shown to the clergy. They were empowered to examine all new-comers in their religion, and if any one fell short of the standard required, he was to come as often as the minister required, to be catechised and instructed. To refuse to attend was, if persisted in, a capital crime. It is consolatory to think that in all likelihood the absence of clergy rendered this clause a dead letter. A code which aimed at such strictness in ecclesiastical matters was not likely to be more tolerant on its secular side. Not only was it treason and punishable with death to speak against the king's majesty, but even to calumniate the Virginia Company or any book published by its authority. A clause, perhaps more atrocious from its vagueness and even more opposed to all rational ideas of legislation, enacted that "No man shall give disgraceful words or commit any act to the disgrace of any person in this colony or any part thereof, upon pain of being tied head and feet together upon the ground every night for the space of one month."

The code contained other enactments needful indeed and well

considered in their objects, but enforced by utterly disproportionate punishments. The necessity of self-protection might justify the punishment of death for trading with the Indians, but there could have been no ground for dealing in the same way with the comparativaly venial offense of trafficking privately with the ships which touched at Jamestown. The material prosperity of the colony was guarded by an enactment which made it a capital crime to kill cattle or poultry without permission of the Governor, or to maliciously root up any crop. The general obligation of diligence on the part of workmen, and of due care on the part of overseers, was enforced by enactment, while the punishment was left to the discretion of a court-martial. The whole code is evidently a system designed for the restraint of a brutal and wasteful soldiery, made up in large measure of adventurers without country or fixed allegiance. We can hardly suppose that those who enforced this code on the colony of Virginia intended it for more than a temporary expedient during a period of license and anarchy. In truth the colony at this time scarcely aimed higher than at being a profitable slave-gang administered for the benefit of the Company in England. We may well wonder that such a community should ever have cast off the taint of its origin, and have risen, mainly by its own efforts, into a higher and better life.

The question at once suggests itself, to what extent was this atrocious code actually enforced? Unhappily, ample as are the records of the proceedings of the Company in England, the scanty accounts of the colony itself, after Smith's departure, offer no answer. Vague complaints, indeed, were made at a later day of the numbers who perished under the "Egyptian slavery and Scythian cruelty" of these laws.[1] Unluckily, the value of this testimony is somewhat tainted by the fact that it appears on a party manifesto, whose object was to make out a case against Sir Thomas Smith and his system of administration. It is, however, probable that these laws only applied to the Company's servants and not to those independent planters who had settled at their own expense, or to the hired servants on their estates. Thus we may believe that this atrocious code had no operation over those who economically and socially formed the most important part of the colony, and to whom a large share of self-government was soon to be entrusted.

[1] In a statement made by the Virginia Assembly in 1623. See below, p. 178.

State of the colony under Dale.

One of the earliest results of the new system was a conspiracy headed by Jeffreys Abbot, a veteran soldier, who had seen service both in Ireland and the Low Countries, and was one of the original settlers. The plot, however, was discovered and suppressed, and six of the ringleaders put to death.[1] In August an alarm was raised by a report, sent from the fort, that six ships had been seen off the coast. So large a fleet excited suspicions, and Dale marshaled his forces to receive an enemy. The supposed invaders proved, however, to be a fresh installment of three hundred settlers, under the command of Gates as Governor.[2] One of the first steps taken by Gates was to leave Percy in command at Jamestown, and to lead the greater part of the colony to a more wholesome situation. The site chosen for the new plantation, to be called Henrico, was in every way preferable to Jamestown. Placed in the fork of a branching river, it was protected on two sides by water, while on the third side it was easily made strong enough to set the Indians at defiance. Farther up another palisade was drawn across, between the two rivers, some two miles long, and guarded by several forts. Not content with the security given by the river, Dale palisaded the town along the bank. The houses, unlike those at Jamestown, were for the most part built of brick, and the town included a church, and a hospital for eighty patients. About Christmas, Dale having marched up the river some five miles from Henrico, to exact tribute due to the English from the Apomattock Indians, put them to flight, and occupied their town. He then proceeded to settle a plantation there, under the name of New Bermudas. The country to the extent of nearly eight miles was secured by a palisade, and before long some fifty houses were built within the pale.[3]

The Second Charter.

Meanwhile, the prospects of the colony at home were brightening. As we have seen, in the autumn of 1611 the Company seemed on the very verge of ruin. Delaware's return, and the good report that he brought with him, had done something to improve their prospects. Still it was clear that without some change the colony would in all probability fall to the ground. "As for the adventurers, the greater part were long before beaten out as from a hopeless action."[4] Many be-

[1] Smith, p. 110. [2] Hamor, p. 28. [3] *New Life*, p. 14. Hamor, p 32.

[4] Expression used in a manifesto published by the Company in 1624, entitled *A Discourse of the Old Company of Virginia.*

gan to look with suspicion on Smith's management, and fifteen thousand pounds of subscriptions were in arrear.[1] The example spread to those below, and many who had been engaged as servants by the Company, and had received goods or money, either hid themselves or openly refused to go out.[2] Under these circumstances, it was decided that if the Company was to continue, it must obtain fresh powers. Another reason for desiring a new patent was found in the fact that the Bermudas, or, as they were called, after the discoverer, the Somers Islands, which, it was by this time clear, would be a valuable possession, lay beyond the limits fixed in the charter of 1609. Accordingly, in March, 1612, a fresh charter was obtained.[3] By this grant the Somers Islands were added to the Company's domains. To enable the Company to carry on business more readily, it was provided that there should be once a week, or oftener if needful, a meeting held, at which there must be present not less than five of the Council and fifteen of the Company. Besides this, there were to be held four general courts in the course of the year, to elect a council and officers, and to legislate for the good of the colony. Special provisions were made for the expulsion of defaulting adventurers, and a clause was inserted enjoining the judges, whether of the Chancery or of the Common Pleas, to favor proceedings against them, "as far as law and equity will in any wise further and permit." The Company was further empowered to deal summarily with all servants of every kind who shall fail to fulfill their contracts. It might apprehend them, and either bind them over to good behavior, or, if it preferred, send them to Virginia to be dealt with as the authorities there should think fit. Besides enumerating and confirming these privileges, the charter released the Company from all import or export duties whatsoever, and empowered it to increase its funds by establishing lotteries.

About the same time as this alteration of the charter, the prospects of the Company were materially bettered in another way.

Capture of Pocahontas.[4]

Hitherto, ever since Smith's departure, intermittent warfare had been waged between the Indians and the settlers. This state of things was now ended by an event which at first threatened to breed fresh difficulties. In the spring of

[1] *A Discourse of the Old Company of Virginia.* Cf. Chamberlain to Carleton. Col. Papers, 1612, Aug. 1.

[2] This is expressly stated in the new charter.

[3] This new charter is published in Stith, Appendix III.

[4] The capture of Pocahontas is told by Argall himself in a letter published in Purchas, vol. iv. p. 1764. It is also related, together with the subsequent proceedings, by Hamor.

1612 Argall was sent to trade for corn along the river Potomac, where, as we have seen, he had already had dealings with the natives. In his former visit he had been especially friendly with Japazaus, the brother of the king of that district. It now came to Argall's ears that Pocahontas, now about seventeen years old and married to one of Powhatan's captains, was with the king of Potomac. Argall at once determined to possess himself of her, as a means of ransoming the English prisoners and goods taken in the previous year. With this view, he went boldly to Japazaus, and told him that unless he delivered up Pocahontas to the English, he must no longer regard them as brothers or friends. This threat, backed up, according to one account, by the promise of a copper kettle, proved too much for the fidelity of Japazaus Pocahontas was beguiled on board Argall's vessel, and found herself a prisoner. A message was immediately sent to Powhatan, to tell him of the captivity of his daughter, and to demand, as her ransom, the restitution of the English prisoners, with all the guns and tools taken from the settlers, and a tribute of corn. Powhatan sent back a promise to fulfill Argall's demands. On the 13th of April, Argall brought Pocahontas to Jamestown, and a few days later, Powhatan sent back seven captives with three muskets, a saw, an axe, and a canoe loaded with corn. The English, however, did not consider that full restitution had been made, and detained their prisoner for a year. In the spring of 1613, Dale, with a small fleet and one hundred and fifty well-armed men, sailed up the York river to Powhatan's abode, taking Pocahontas with him. The king himself did not appear, and when the English announced that their voyage was made with friendly purpose, the Indian outpost scoffed at them, and warned them to return, reminding them of the fate of Ratcliffe and his men. After some hostilities, in which many of the Indian houses were destroyed and their fields wasted, a truce was made. Messengers were then sent to Powhatan again demanding the English prisoners, but they failed to get a direct answer. Soon after two sons of Powhatan came on board to see their sister, and on their departure promised to use their influence with their father to obtain a lasting peace.

Other influences possibly, besides those of political expediency, were at work to bring about a union between the two races. In the spring of 1613, Pocahontas was baptized by the name of Rebecca, and married to one of the principal settlers, John Rolfe.

Whether, as later writers have supposed, Rolfe was captivated by the grace and beauty of the newly-converted savage, and the romantic interest attaching to her position, or whether, as Hamor wrote, he "married one of rude education, manners barbarous, and cursed generation, merely for the good of the plantation," it is impossible to say.[2] It is clear that the marriage met with the approval of Powhatan.[3] The old chief was not destined to see many more years, but during his life, at least, peace was insured, and a precedent was established, which might seem to warrant hopes of a lasting friendship, and possibly even a final union between the two races.

Her marriage.[1]

About the same time, another dangerous enemy was conciliated. The Chickahominies were among the most warlike of the Indian tribes, and though bound to Powhatan by some lax tie of military service, they were in no way subject to his rule, but were governed by a body of their own elders. The union of Powhatan with the English not unnaturally alarmed the Chickahominies. They immediately sent an embassy to Dale, offering to give up their name, and adopt that of Tasautessus or Englishmen, and to be subject to Dale, as the deputy of the king of England, though retaining their own form of government. Dale on receiving this message straightway sent off Argall and forty men to the village of the Chickahominies. The next day at a solemn council the alliance was concluded. The conditions were: that the Chickahominies should be called Englishmen, and be subject to King James; that they should neither kill nor detain the English nor any of their cattle, but should restore any that fell into their hands; that they should always be ready to furnish the English with three hundred men against any enemy, and that they should give a yearly tribute of two bushels of corn for every one of their warriors, receiving in return hatchets, copper, and scarlet cloth. The eight chief elders made themselves responsible for the execution of all these conditions, and were to receive a red coat, a copper chain, and King James's picture, and to be called his noblemen.

Peace with the Chickahominies.[4]

In the following year Dale made an attempt to secure a fur-

[1] It is scarcely needful to quote authorities for a matter of common notoriety like the marriage of Rolfe and Pocahontas. The details are told by Hamor. It is remarkable, as Mr Neill notices, that no writer says anything of the place or the officiating minister.

[2] Dale in Purchas, vol. iv. p. 1769. Hamor, p. 24.

[3] Hamor, p. 11.

[4] *Ib.*, p. 13. Smith, p. 114.

ther hold over Powhatan. Ralph Hamor, one of the most in-
Hamor's visit to Powhatan.[1] fluential and educated among the colonists, to whom our knowledge of these proceedings is chiefly due, was sent to the Indian king to ask for another of his daughters. Powhatan, upon the arrival of the stranger, demanded a chain of pearls, which had been agreed on as a token for all messengers from Dale. When Hamor told him that this was only intended to apply to those who were sent suddenly without an authorized guide, the king seemed satisfied with the explanation and received Hamor in his house with every sign of friendship. After inquiring for his daughter he sought to know Hamor's business, and, upon being told that it was private, he commanded all save two of his wives to withdraw. After assuring the king of Dale's friendship, in token of which he had brought him a worthy present, two large pieces of copper, five strings of white and blue beads, five wooden combs, ten fish-hooks, and a pair of knives, Hamor proceeded to the object of his embassy. Powhatan, after thanking Hamor for the friendly message and present, told him that the maiden had been sold a few days before for two bushels of roanoke. Hamor, whose ideas of the sanctity of marriage and of commercial morality seem to have been about equally lax, proposed that Powhatan should return the roanoke and reclaim his daughter, paying the defrauded husband goods to three times the amount. Powhatan then declared that his true reason was that he could not bear to part with another child. At the same time he assured Hamor of his hearty friendship for the English, and dismissed him with a supply of food for Rolfe and his wife, as well as for Hamor himself.

While the government of Virginia had been thus establishing friendly relations with the savages, it narrowly escaped being
The French colonies. embroiled with its civilized neighbors. In the spring of 1614 Gates sailed to England, leaving Dale in command of the colony.[2] To understand the most important events which occurred during his term of office, we must take a retrospective view of the steps hitherto taken by France towards colonizing North America. Even before the beginning of the century she had made more than one effort to follow up the enterprise of Cartier and to settle the continent west of Newfoundland. In 1598 an attempt was made by a Breton noble, the Marquis de

[1] Hamor, p. 37.

[2] Smith, p. 115.

la Roche.[1] He was invested with all the rights of a feudal lord over a vast territory. Practically all that he did was to establish a colony swept together from the gaols and to leave them to collect furs. He himself died before he could come to their rescue; for four years they were left in the wilderness, and when discovered by a band of their own countrymen who had come to seek for furs, there were but twelve alive.

De la Roche's settlement.[2]

In 1604 a more successful attempt was made. The leader of the expedition was Samuel Champlain, a sea captain from Brittany, who, in his eagerness to learn the secrets of the New World, had obtained command of a Spanish ship and had made a voyage to the West Indies. He found a supporter in the Sieur de Monts, a gentleman of the king's chamber. De Monts obtained from his master a patent of settlement for a region to be called Acadia, extending from forty to forty-six degrees of north latitude.[4] Like his predecessor De la Roche, he acted on what might almost be called the first principle of colonization in that age, and obtained leave to ransack the prisons. Besides the criminals, the colony had within it another element of discord. De Monts himself was a Calvinist, and was accompanied by ministers of his own faith. But one of the conditions on which his patent was granted compelled him to carry out Romanist missionaries. Accordingly the outward voyage was enlivened by theological controversies, often ended by the great theological argument of that age, an appeal to force. The priests, however, do not seem to have been urged by any ardent missionary zeal; and when a second voyage sailed to recruit the colony, not one of their order could be persuaded to accompany it. The colony was unfortunate in its first site. The spot chosen was on the river St. Croix, the southern boundary of the cold though fertile territory of New Brunswick. Winter brought with it the horrors of scurvy, and about half the settlers died. A change was then made, and the colony was removed to the spacious basin known in later days as the harbor of Annapolis, but

Champlain and De Monts.[3]

[1] Parkman, p. 210. Lescarbot, i., 422.

[2] Here, as before, I rely largely on Mr. Parkman. Lescarbot now becomes an authority of the first order, as he himself took part in the principal attempt at settlement.

[3] Champlain's character and antecedents are well described by Mr. Parkman, p. 215. There is also an interesting account of Champlain, with extracts from his writings, in the introduction to his *Voyage to the West Indies*, published by the Hakluyt Society.

[4] For De Mont's voyage, see Champlain, *Voyages de la Nouvelle France*, ed. 1632, b. i., ch. viii., and Parkman, p. 221, etc.

then called Port Royal. There, despite of hardships and religious disputes, the settlement prospered. For the first time there was to be seen in America a colony of Europeans, not a mere band of adventurers or explorers, but a settled community subsisting by their own labor. Their relations with the Indians were friendly, while at the same time the settlers showed no inclination either to relax their precautions or to depend on their savage neighbors for supplies.

The jealousy of the French traders and the supineness of the French government overthrew this hopeful condition of things. The merchants of the Breton and Norman ports looked with jealousy on the fur monopoly granted to De Monts, and by the use of corrupt influence at court obtained its withdrawal. Without that monopoly De Monts could hardly carry on the settlement, and it seemed as if the country must be abandoned. There was, however, at least one among the followers of De Monts who was not to be lightly discouraged. The Baron of Poutrincourt had taken a leading part in the settlement of Port Royal, and he now set to work to rebuild the shattered fabric. He soon found himself linked with associates with whom he had little in common. The year 1610 is memorable in the annals of North America as marking the introduction of a new and mighty power in colonial life. Already had the Society of Jesus shown an unequaled capacity for exerting influence over widely dissimilar races and in distant climes. The Jesuits were equally at home in the market place and in the desert; they were to be found alike in the crowded cities of the Mogul Empire and the pathless wilds of Paraguay. But among them all, there were none who deserved better of the order and of mankind than those heroes who planted the cross on the heights of Hochelaga and on the farthest shores of Lake Superior. The manner of their first introduction to America was characteristic alike of the order and of the age. The licentiousness of French court life was often strangely broken by enthusiastic though short-lived outbursts of devotion. Religion was now for a while the fashion, and the profligate queen was the zealous patroness of the Jesuits. With her were associated in a strange alliance the royal mistress, the Marchioness of Verneuil, and that Madame de Guercheville whose unsubmissive charms had fascinated and baffled the passion of the king. Such was the patronage to which the first Canadian

De Poutrincourt.[1]

[1] The history of De Poutrincourt's settlement is told by Mr. Parkman, ch. v.

missions owed their origin. Poutrincourt, though a Catholic, was no bigot, and abhorred the prospect of such associates. It was, however, useless to strive against court influence. Even if the king had lived, it is unlikely that that kindly and sagacious profligate would have thwarted the wife whom he despised and the mistress whom he loved. As it was, the dagger of Ravaillac deprived Poutrincourt of any hope from that quarter. Much as he disliked the prospect, it was better to accept the restoration of the colony, even with a Jesuit mission tacked on to it, than allow France to lose her only hold on the New World.

The Jesuit colony. Its destruction by Argall.[1]

As might have been expected, these ill-matched yokefellows soon fell out. Poutrincourt himself was arrested for debt, at the suit, it is said, of the Jesuit body in France, but his interests in the colony found a manful supporter in his son Biencourt.[2] In 1613 the Jesuits and their friends in France determined to establish another colony. It is not unlikely that they dreaded the influence of Poutrincourt and his son at Port Royal, and wished to found a colony in which their authority should be sole and undisputed. Accordingly a ship was sent out with forty-eight men, abundantly stocked with all the materials for a colony. One Saussaye, a man of high rank, was in command. Two Jesuits were on board, and two more joined the ship when it touched at Port Royal. After meeting with a heavy storm, the party landed where a long chain of picturesque islands dots the coast of Maine. The process of colonization was speedily interrupted. Early in the summer Argall had sailed from Jamestown in a vessel with fourteen cannon and sixty men to fish along the coast of Maine.[3] From some Indians with whom he fell in, he learned the surprising news that a French settlement had established itself within the limits assigned by King James to the Virginia Company. If it be true that his suspicions of French emigrants were first excited by the polite gestures of the savages, it is certainly a remarkable proof

[1] Mr. Parkman has derived his account of the Jesuit colony from Lescarbot, and from a recently published collection of papers taken from the Jesuit archives at Rome, and consisting of letters from the founder of the colony. The most important of these is a report from Brand.

[2] Parkman, p. 271.

[3] Our knowledge of Argall's attack on the Jesuits is derived partly from his own statements, partly from Brand's report. Argall's account is given in his own letter (see p. 189). Neither Argall nor Brand can be looked on as thoroughly trustworthy, but, luckily, they correct one another. We have also a dispatch from the French admiral, De Montmorency, setting forth the grievances of the Jesuits and demanding redress. This is published in the Col. Papers, Oct., 1613. It confirms the account given in the text.

of that influence over inferior races which the French have ever possessed in a pre-eminent degree. Without any announcement of hostility, or anything in the nature of a declaration of war, Argall bore down on the peaceful settlement with drums beating, and with a fire of musketry and cannon. The French were outnumbered, and utterly defenseless. They themselves were on shore, the ordnance on board their vessel. What resistance was made was due to the men of the gown, not the men of the sword. Saussaye fled, and left his followers to their fate. One of the Jesuits bravely rushed on board the ship, and discharged a cannon, but with no effect. Argall's men returned the fire; the gallant priest fell, and the rest were soon overpowered. Saussaye's cowardice soon met with its deserved punishment. The unscrupulous Argall took possession of his effects, discovered his commission, and removed it, leaving everything else as he had found it. Next day Saussaye slunk out of his hiding-place, and Argall, with well-acted courtesy, demanded his commission. When Saussaye looked in vain for it, Argall denounced him as a pirate, and, placing him in an open boat, sent him off to sea, with fourteen of his followers. By a strange piece of good fortune, they fell in with two fishing vessels from their own country, and were brought safely to St. Malo. The rest of the prisoners were carried off to Jamestown. A Governor who dealt with his subjects after the manner of Sir Thomas Dale, was not likely to be lenient to foreigners, who must have seemed little better than pirates. Argall, however, had honesty enough to interfere, and to confess his own duplicity in time to save the lives of his victims.

But though Dale spared the lives of his prisoners, he had no idea of suffering what he regarded as a French encroachment.

Attack on Port Royal.[1]

Three vessels were at once fitted out, including the French prize, and it speaks ill for Dale's principles that he condoned Argall's perfidy, and again entrusted him with the command. If the general belief of the French may be trusted, the enmity of the English against Port Royal was quickened by the Jesuit prisoners. On arriving thither, the English found the place empty; and after killing and carrying off the live stock, and plundering and burning the fort, they went in quest of the absent settlers, whom they found reaping near the fort. Then, as Biencourt afterwards alleged, the Jesuit Brand crowned his

[1] Argall's second expedition is told in Brand's report and in Lescarbot. The latter published Poutrincourt's own statement.

treachery by soliciting the men to leave their captain's service, and to join the English; but his overtures were scornfully rejected. Biencourt himself was soon afterwards discovered, and had an interview with Argall. Nothing came of this, and Argall sailed away with his prisoners, who, after more than one adventure, reached England. Lesser outrages have involved nations in war; but France was in no condition to avenge the wrongs of her colonists, and, after a complaint from the French ambassador, the matter dropped. Biencourt rebuilt Port Royal, and Acadia in after years grew into a prosperous colony, memorable for the pastoral happiness of its inhabitants, and for the shameful tragedy by which that happiness was destroyed. But no attempt was made to renew the settlement by the Penobscot, and the mainland north of Cape Cod knew no European inhabitant till it was peopled by religious enthusiasts who united the zeal and ardor of the Jesuits with the practical sense and vigor of those Virginian adventurers who overthrew them.

Argall's exploits were not the only events which made the year 1614 memorable in the annals of the Virginia Company. In that year, for the first time, a colonial question came under the notice of Parliament. The matter itself was trivial, and the immediate result equally so. Yet no event can be regarded as wholly unimportant which served to define the relations of Parliament towards the colonies, especially at the outset of the great contest between parliamentary and kingly authority. On the 20th of April, Middleton, himself one of the Virginia Company, made a speech in the House of Commons which seemed likely to prejudice the interests of the colony. He denounced the importation of tobacco as leading to dissoluteness and extravagance. The Company, probably in consequence, presented a petition to the House, and obtained leave to be heard by counsel. On the 17th of May a number of the members appeared, with Richard Martin as their advocate. On this occasion he seems to have been more anxious to display his own eloquence than to advance the cause of his clients. He summed up all the advantages which the country might derive from colonization, supporting his views by all those arguments which the pamphlets of the day have made familiar to us. Spain, Holland, and Portugal, he reminded his hearers, had their West and East India possessions. Was England to be behind them in energy and

Discussion about Virginia in Parliament.[1]

[1] This debate, with Martin's speech, is recorded in the Journals of the House of Commons.

enterprise? All that Virginia wanted to make it prosperous was population of the right kind, honest workmen with their wives and families. To neglect the interest of the young colony was to imitate the thriftless parsimony which had led Henry VII. to slight the promises of Columbus, and would be punished with like loss. Such cases, he told the House, really concerned them more than the trifles on which so much of their time was wasted. We can hardly wonder that the House took fire at such a speech, and demurred to being lectured as by a schoolmaster teaching his scholars. It was at once moved that the members of the Virginia Company who held seats in the House should withdraw, while the conduct of their advocate was taken into consideration. Next day Martin was brought to the bar of the House, where, after receiving a solemn rebuke from the Speaker, he knelt down and confessed his wrong-doing, only pleading in his extenuation that he "had digressed from his subject, and was like a ship that cutteth the cable and putteth to sea, for he cut his memory, and trusted to his invention." There the matter ended; but it can hardly have failed to prejudice the House, and may have served to deprive the Company of an ally in its coming hour of danger.

The departure of Gates had left Dale in command of the colony. From that time till his departure, Dale was in reality the autocratic ruler of Virginia. Under his vigorous tyranny the economical state of the colony had confessedly been bettered. The Indians had been completely kept in check and the English territory made permanently defensible. By his treaties with the natives and his enforcement of the cultivation of corn, the colony was so well supplied that it could even afford to sell to the Indians.[2] Dale might fairly boast on his return that he had "left the colony in great prosperity and peace."[3] So much had the value of land risen and the necessity for tempting emigrants diminished, that shares were reduced from a hundred to fifty acres.[4] Private industry was so far allowed that every man had three acres of land allotted to him which he could cultivate in the spare time allowed from the public works. Even with this

The colony under Dale.[1]

[1] The authorities for the condition of the colony under Dale's government are: 1. The *Brief Declaration*, in which all the hardships are forcibly set forth. 2. The *Tragical Relation*, (see below, p. 178), which adopts the same tone. The more favorable side of the question is given in Smith, Hamor, and not least in Dale's own letters.

[2] Stith, p. 140. I do not know on what authority Stith relies, but, considering his general accuracy and the nature of his information, I am inclined to trust him.

[3] Dale to Winwood, Col. Papers, June 3, 1616.

[4] Stith, p. 139.

modified form of private property the colony, it is said, throve better than under the old system of joint labor.[1] But, though the settlement was more prosperous, it seems doubtful whether the colonists were much happier than in the days of Ratcliffe and Percy. The state of Virginia under the government of Gates and Dale is fully described in reports drawn up a few years later and signed by men of the highest position in the colony. These accounts may be exaggerated by party feeling; but, even after all such deductions, they present a picture of misery scarcely equaled by anything, even in the struggles of the colony during its infancy. A merciless code was mercilessly administered. Some men in their despair fled to the savages for refuge, and were brought back and cruelly tortured. Sir Thomas Smith's attention was devoted to the East India Company, and his duties as Treasurer were neglected. The supplies sent out to the colony were contracted for, and the contractors furnished food unfit for hogs. Most of the colonists were still detained in personal servitude. Those, indeed, at Dale's favorite settlement, Bermudas Hundred, were allowed to work for themselves on condition of bringing three barrels of corn and giving one month's labor to the Company. The rest of the colonists were given one month to work for themselves, in consideration of which privilege their supply of corn from the public store was reduced to two bushels. It would scarcely seem an exaggeration to say that but for the independent settlers the colony under Dale's government was an orderly and profitable slave-gang.

Departure of Dale and Pocahontas. Their deaths.

In 1616 Dale finally left the colony, taking with him Rolfe, his wife, and several of her countryfolk. Neither Dale himself nor Pocahontas ever revisited Virginia. Dale had already won fame in Europe and America, and his energies were now transferred to Asia. In 1617 we find him commanding a vessel in the East Indies. After some fierce encounters with Dutch and Portuguese ships, he died, after three weeks' sickness, at the English factory at Masulipatam.[2] The romantic story of Pocahontas's capture and marriage had preceded her visit to England. Virginia was by this time a popular topic, both with preachers and pamphleteers, and the plays of the day contain more than one reference to it, both from a sarcastic and

[1] Hamor, p. 17.

[2] Dale's later career and death are told by Mr. Sainsbury in the preface to his second volume of *East India Papers*.

picturesque point of view. A savage was no longer a novelty. But such a savage as Pocahontas, not a chief with bones in his cheeks, but a princess who was married to an Englishman, wore a hat and ruff and wielded a fan like a civilized fine lady, might well figure in the town letters and court gossip of the day. The picture of the Indian princess was one of the curiosities which Londoners promised to their friends in the country,[1] and the lady herself was presented to the king and appeared with her savage attendants at a court mask.[2] Pocahontas, however, like Wanchese, pined under an English sky, and in March, 1617, after all arrangements had been made for her departure, she died at Gravesend.[3] One child, a son, survived her, and figures as an ancestor of more than one old Virginian family.

Pocahontas's companions.

Of the Indians who accompanied Pocahontas we find scattered notices in the records of the times. One of them, Tomocomo, a man of importance and a son-in-law of Powhatan, figures prominently in Smith's somewhat untrustworthy work. According to that account he was instructed by Powhatan to observe the resources and population of England, especially the crops and trees, since the eagerness of the English to obtain corn and timber had begotten the suspicion that their own land produced neither.[4] If we are to believe Smith, Tomocomo was greatly disappointed with the English king, and contrasted his niggardly treatment of strangers with the liberality of his own master. The only other authentic record of Tomocomo seems to be that Purchas often saw him at the house of a certain Dr. Gulstone, where he would sing and "dance his diabolical measures."[5] Of the maids who came over with Pocahontas, one became a servant to a mercer in Cheapside, and the records of the Company show an entry of twenty shillings expended in procuring physic and cordials for her when "very weak of consumption."[6] Two others, after apparently putting the Company to considerable trouble, were sent out to the

[1] Pocahontas's picture, drawn and engraved by De Passe, is reproduced by Mr. Neill, *Virginia Company*, p. 98.

[2] Chamberlain to Carleton, Col. Papers, Jan. 18, 1617. Stith has a story to the effect that James looked with jealousy on Rolfe's royal marriage. One would be sorry, by believing the story, to rob the court wits of the credit of so happy an invention.

[3] The register of her death is published by Mr. Neill, *Virginia Company*, p. 98.

[4] Stith, p. 144; Smith, p. 123.

[5] Purchas, vol. iv., p. 177.

[6] *Virginia Company*, p. 103.

Somers Islands, and were there married, it may be presumed, to Englishmen.[1] The fate of the party generally does not seem to have been a happy one, as it impressed on Sir Edward Sandys the lesson that to bring the Indians to England to be taught "might be far from the Christian work intended."[2]

Yeardley acts as Governor.

At Dale's departure he left Yeardley with the office of Deputy-Governor. A change in the condition of the settlement was at hand. Virginia, after the departure of Dale, had to go through that most critical period, a season of relaxation, of change from a severe to a lenient government. A few years later, as we shall see, in the hands of a Governor fully as despotic as Dale, but without a particle of his public spirit, the settlement sank into a state of utter misery. Part of this was in all probability due to Yeardley. If, as is alleged, he set at defiance the law enacted by Dale that the cultivation of corn should take precedence of that of tobacco, and encouraged the latter form of industry to the neglect of all others, he was guilty of sanctioning an error whose evil effects was felt for generations later.[3] Yet it is impossible not to look with some respect on one who succeeded in governing, as it would seem, without severity and without disorder, men who for six years past had been treated little better than slaves, one of whom his subjects could say that they lived under him "in all peace and the best plenty that they ever yet had."[4] In that part of his policy of which we have the fullest account, his dealings with the Indians, Yeardley seems to have shown a greater mixture of vigor and moderation than any Governor since Smith. Before long, owing, it is said, to the excessive attention to tobacco culture, corn began to run short. An application to the Chickahominies for the supply they had promised was met with a contemptuous refusal. The savages probably thought that the power of the English was wielded by weaker hands, and they tauntingly told Yeardley that he was but Dale's man, and, though they paid his master, he was not to look for the same obedience. After many idle threats had passed on each side, Yeardley commanded his men to fire upon the Indians. Twelve fell and twelve more were captured. Their countrymen were glad to ransom the prisoners with a large supply of corn, besides buying peace by the payment of the supply originally agreed upon. The firmness shown by the settlers had a good

[1] *Virginia Company*, p. 104.
[2] *Ib.*, p. 105.
[3] Smith, p. 120.
[4] The *Brief Declaration*.

effect on the neighboring tribes. The settlers could leave their houses unguarded without fear of loss. The savages habitually traded with them, and acted as their guides in hunting. It almost seemed as if the two nations had become one.[1] The principal grievance of the settlers, their state of servitude, was abated under Yeardley, though not entirely removed. The settlers at Bermudas Hundred, whose condition was, as we have already seen, exceptionally favorable, were liberated. The rest of the settlers remained for the most part in their former servitude.[2]

In 1617 a party of greedy and unprincipled adventurers, headed by Lord Rich, soon after the Earl of Warwick, acquired sufficient influence in the Company to nominate a creature of their own as Deputy-Governor.[3] Their choice of Argall would in itself have tainted their policy with suspicion. Whether dealing with the Indians, the French, or the Dutch, he had shown himself able, resolute, and unscrupulous. To do him justice, he seems at least to have understood the principle of Tiberius that a shepherd should shear his sheep, not flay them. His first measure was to provide a sufficient supply of corn for the maintenance of the colony.[4] With that he appeared to think that his duty to the settlers was at an end. In addition to his authority as Deputy-Governor, ample enough it might be supposed under the existing code, Argall had been furnished through the agency of Rich with a commission as Admiral of the colony and the seas adjoining.[5] By virtue of these powers he issued a succession of arbitrary edicts. Of these some, as might have been expected from his character, were reasonable and politic. He forbade all traffic with the savages and all waste of ammunition, and made it a capital crime to teach an Indian gunnery. Attendance at divine worship was strictly enforced, and all communication between the settlers and the crews of ships trading to the colony was forbidden.[6] This measure was probably intended to prevent any complaints of the settlers against Argall from reaching England. An event soon occurred which released Argall from the fear of a superior, and probably emboldened him in his evil courses. Lord Delaware, who had sailed in a large vessel with two hundred emigrants, fell ill while touching at the Spanish colony of St. Michael's, and died under circumstances

Argall appointed Deputy-Governor.

[1] For Yeardley's dealings with the Indians, see Smith, p. 121, and the *Brief Declaration*.
[2] *Brief Declaration*.
[3] Stith, p. 145.
[4] Smith, p. 124.
[5] Stith, p. 145.
[6] *Ib.*, p. 147.

which raised a suspicion that he had been poisoned by his hosts.[1] About thirty of his companions died too, and the rest arrived, so sickly and ill-provided for, as to add considerable to the troubles of the colony.

Argall now began to show that his care for the well-being of the colony was no better than the charity of the cannibal who feeds up his prisoner before making a meal on him. Trade with the Indians was withheld from individuals, but, instead of being turned to the benefit of the Company, it was appropriated by Argall. The planters were treated as a slave-gang working for the Deputy's own private profit. The Company's cattle were sold, and the proceeds never accounted for.[2]

Formation of a new party in the Company.

During this time a great change had come over the Company at home. An energetic and public-spirited party had been formed, opposed alike to Sir Thomas Smith and to Lord Rich. Their leader was Sir Edwin Sandys, a member of that country party which was just beginning to take its stand against the corruptions of the court policy. Side by side with him stood one whose name has gained a wider though not a more honorable repute, the follower of Essex, the idol of Shakespeare, the brilliant, versatile Southampton. One of the first symptoms of a change of temper in the Company was a letter to Argall charging him with various acts of dishonesty. This letter was accompanied by one to Lord Delaware, requesting him to send Argall home to England and to seize his goods as security. Owing to Delaware's death these instructions came direct into Argall's possession. The only effect apparently was to make him feel that his time was short, and that he must make the most of it. He at once took off the laborers who were busy on Delaware's plantations, and set them to work for his own profit.[3] It is somewhat hard to understand how such tyranny as Argall's came to be endured by the mass of the colonists. No doubt the constitution of the colony gave great opportunity to a bold, able and unscrupulous ruler; yet it seems strange that Argall should have found men not merely to tolerate, but to help, though perhaps reluctantly, at his misdeeds. The case is just one of those which illustrates the inadequacy of merely formal and official documents to explain the undercurrents of personal character

[1] For Delaware's death, see *Neill's Hist.*, p. 97.

[2] These misdeeds of Argall's are fully set forth in two letters: one from the Virginia Company to himself, *Virginia Company*, p. 114; the other to Delaware, p. 117.

[3] Stith, p. 151.

and feeling which so largely determine events. Of official documents we have plenty. Two or three private letters, showing the real state of opinion in the colony, would do more to clear up matters and to enable us to understand the true extent of Argall's misgovernment and the cause of his temporary success. At length one crowning act of misconduct brought matters to a crisis. A certain Captain Edward Brewster, who had taken a leading part in the colony in the days of Newport, ventured to interfere with one of the men whose labor Argall was wrongfully appropriating. For this Brewster was arrested, tried by a court-martial, and, under the bloody code still in force, sentenced to death. At length, persuaded by the clergy and some of the more influential settlers, Argall substituted a sentence of banishment, but not till a promise had been extracted from Brewster that he would never, in England or elsewhere, do or say anything to the dishonor or disparagement of Argall, and that he would never return to Virginia. Brewster, however, considering that this promise had been exacted from him under duress, brought the matter before the Council.[1] About the same time another piece of misconduct on the part of the Deputy became known in England. Lord Rich sent out a ship to the colony. How far he himself intended her for the service to which she was afterwards applied seems uncertain. Argall, true to his old buccaneering instincts, victualed her, manned her with a picked crew, and then sent her with an old commission from the Duke of Savoy to ravage on the Spanish Main.[2]

The next year, 1619, was remarkable in the annals of the colony. It is hardly an exaggeration to say that it witnessed the creation of Virginia as an independent community. From the beginning of that year we may date the definite ascendency of Sandys and his party, an ascendency which was maintained till the dissolution of the Company, and during which the affairs of Virginia were administered with a degree of energy, unselfishness and statesmanlike wisdom, perhaps unparalleled in the history of corporations. One of the first measures was to send out Yeardley to supersede Argall. To this appointment the king apparently gave his sanction by knighting the new Governor before his departure.[3] Argall's good fortune and resolution stood by him to the last. His patron, War-

Argall superseded by Yeardley.

[1] Stith, p. 152. [2] *Ib.* p. 153.
[3] Letter from Chamberlain, *Colonial Papers*, 1618.

wick, sent him warning of what was in store, and, if rumor be true, created a diversion in his favor by delaying Yeardley's vessel.[1] Accordingly when Yeardley arrived he found that Argall had escaped. No further attempt seems to have been made to bring him to justice. In the next year he was commanding a ship against the Algerines, and he appears once again, five years later, as Sir Samuel Argall, an unsuccessful candidate for the Governorship of Virginia.[2]

Sir Thomas Smith superseded by Sandys.

In April the condition of the Company underwent an important change. Warwick and his followers, indignant, it is said, with Sir Thomas Smith for not supporting Argall, united with the party of Sandys to elect a new Treasurer. Smith himself tendered his resignation, pleading age, sickness, and his official responsibilities towards the East India Company. It would seem, however, as if he had not intended to be taken at his word, or as if he had wished to be succeeded by the Deputy-Treasurer, Alderman Johnson, who was one of his own supporters. At all events, he appears to have been mortified by the election of Sandys as Treasurer, with John Ferrar, a London merchant and seemingly one of Sandys's party, as Deputy-Treasurer. Smith's wounded feelings were soothed by a grant of two thousand acres of land from the Company. As far as one can understand these somewhat obscure and complicated affairs, the party of Warwick had now, to gratify their temporary spleen against Smith, placed a man in office who was likely to be in the long run far more obnoxious to them.

The first Virginian Assembly.

About the same time that these things were doing in England, a step of the greatest importance was being taken in Virginia. Yeardley, in obedience to instructions from the Company,[4] summoned an Assembly of Burgesses from the various hundreds and plantations. At one step Virginia, from being little better than a penal settlement, ruled by martial law, became invested with important, though not full, rights of self-government. Though we have no direct evidence of the fact, there is every probability that during the administrations of Yeardley and Argall the number of independent planters possessing estates of their own, with laborers employed in the service of their masters, not of the Company, had increased. Unless such an influence had been at work, it is scarcely possible that

[1] Stith, p. 157.
[2] For Argall's after career, see *Neill's History*, p. 66.
[3] *Virginia Company*, p. 143.
[4] *Ib.*, p. 130.

the experiment of constitutional government should have succeeded, or even have been tried.

On the 30th of July, 1619, the first Assembly met in the little church at Jamestown. A full report of its proceedings still exists in the English Record Office.[1] Every freeman appears to have had a vote, and each county and hundred returned two members. Besides these were certain private plantations which possessed the right of returning members. On what principle these plantations were chosen does not appear; the simplest and most probable view is that they had most inhabitants. At first this might seem like giving the owner the right of nominating two members. Practically we may be pretty sure that his influence, though always powerful, would be modified by certain indefinite, but nevertheless real, checks. At the outset a difficulty arose which is not without interest, as indicating a danger to which not only Virginia, but our other American colonies were exposed. Two plantations, Warde's and Martin's, had returned members, though their proprietors had not formally acknowledged the authority of the Company. Warde seems to have been either an independent squatter or else a tenant of Martin. In Warde's case the question was easily decided, and in consideration of his expense in settling, he was allowed to take his seat as the representative of his plantation with an understanding that he should get a proper commission from the Company. Martin's case was more complicated. Not only did he occupy land of his own, but his patent contained a special clause exempting him from the legislative authority of the Company. It clearly seemed unreasonable that he should have a share in making laws whose authority he might at any time disclaim. He seems, too, to have prejudiced his case by certain acts of unauthorized hostility against the Indians. As he was unwilling to accept the offer of the Assembly and to relinquish the objectionable clause, no arrangement could be made. We find traces of the existence of other isolated plantations like these. But in Virginia, as in the Northern colonies, these soon attached themselves to the community, and in that process we see an instance of the principle of cohesion which throughout regulated the growth of the English colonies.

Its composition.

The principal functions of the Assembly were: 1. To cast the

[1] *Colonial Papers*, July 30, 1619.

various instructions sent out by the Company into the form of law. 2. To supplement these with laws of their own. 3. To petition the Council of the Company on certain points. The first of these tasks resulted in several orders which contrast singularly with the complex and merciless code administered by Dale. The present laws did not aim at being a complete code. They evidently assumed that the colonists were to live under the common law of England, and merely supplement it with such regulations as were applicable to the peculiar wants of the colony. The new laws strictly forbade any injury to the Indians as likely to endanger the peace and revive old quarrels. In one point they deviated from the instructions sent out. The Council in England suggested that efforts should be made to draw in the Indians, to establish friendly relations, and to make converts. The Assembly expressed the opinion that all such advances ought to come from the natives themselves. In short, the policy of the settlers, less ambitious than that of the Company, but more practical and more prudent, was to have as little intercourse as possible with the Indians, and to observe a strict neutrality, trading with them when necessary, but treating them neither as foes nor friends.

Its proceedings.

In other matters the new laws, though more lenient and moderate than the old code, showed the same tendency to regulate private life and to limit individual enterprise. The Company was to monopolize the trade in tobacco and sassafras. Every head of a household was to grow a certain quantity of corn. "Tradesmen" might be constrained to work in their own department. A confirmed idler was to be placed by the Governor under a master. Gaming and drunkenness were forbidden, but not with any very severe penalties. Moderation in dress was enforced by the rational system of taxing a man according to his own or his wife's apparel. The protective spirit, as some have called it, shown in these laws may seem to us excessive, but it was only in accordance with the views of that age. And certainly if such legislation can be justified anywhere, it is in the case of a young community where the welfare of all may be endangered by the idleness and extravagance of a few, and where those social and moral restraints are but feebly felt which in old-established societies supplement the force of law and to a great extent render it needless.

The above regulations were all derived from the instructions sent out by the Company. The ordinances which the Assembly

itself added were few and unimportant. It forbade all servants and persons not furnished with licenses to trade with the Indians, and made it penal to sell them horses, dogs, or arms, the first and second under a fine of five pounds, the last under pain of death. Other regulations were added, evidently also intended to insure the peace with the Indians. Any person absent from his home for seven days, or found twenty miles from it at any time, was to be fined twenty shillings, and any one "resorting to the Indians" forty shillings. The clergy were empowered to warn any persons guilty of incontinence, "or any other enormous sin"; and if after two warnings the offenders remained incorrigible, to excommunicate them. In that case the Governor was to apprehend the guilty person and detain his goods. What the ultimate penalty was does not clearly appear. The difficulty of obtaining free labor, a difficulty caused no doubt by the abundance of land and destined to shape the whole future of Virginia, is shown by an enactment, ordering that any servant who should engage himself to two masters should be compelled as far as might be to serve them both. Another special feature of Virginia, scarcely less serious in its consequences, was foreshadowed in Yeardley's address, in which he warned the planters not to establish themselves so far one from another.

The petitions drawn up by the Assembly and addressed to the Company are not the least interesting portion of their proceedings. The first had reference to the tenure of lands, and was not improbably connected with Argall's extortions and misdeeds. It asked the Company to specify clearly what powers of granting lands previous Governors had enjoyed, and expressed a hope that no one might be injured in his landed estate, in a tone which implies the presence of such a danger. So, too, the third petition requests that the old planters and those who came out at their own expense before the time of Dale, may be fairly dealt with in the distribution of lands, and a due share apportioned to their children and wives, "because that in a new plantation it is not known whether men or women be more necessary." Furthermore, the Assembly petitioned for more settlers to fill up four plantations already marked off and incorporated, and also for workmen to build a college.

The Assembly did not confine itself to deliberation and legislation. It evidently regarded itself as having the powers of a civil and criminal law court. Argall had exacted from certain planters

a sum of six hundred pounds as quit rent due to himself, and fifty pounds to one Powell for clearing the ground. The Assembly decided that the exaction of the six hundred pounds was illegal, and that the fifty pounds must be paid by Argall. It also took into consideration the case of Henry Spelman, who had been for some time prisoner among the Indians. His influence among them necessarily made him a person of considerable importance. He was charged with having spoken disrespectfully of Yeardley to Opechancanough, saying that "a great man should come and put him out of his place." For this he was tried and apparently sentenced to death. His punishment, however, was commuted to degradation from his rank, and by a singular arrangement he was compelled to serve as interpreter for seven years. Finally, the Assembly enforced a poll-tax in tobacco for the payment of salaries to the Speaker, Clerk, Sergeant, and Provost-Marshal, and then dissolved owing to the heat, earlier, it would seem, than members wished.

Increased energy on the part of the Company.

In England the Company under its new government set to work with an energy before unknown to it, to improve the condition of the colony. A committee was appointed to codify the existing ordinances of the Company, and also to frame a code for Virginia.[1] The latter design came to nothing, and the colonists were left to work out their political and legislative system, guided by their own wants and the experience of the mother country. More immediate and practical measures were taken for bettering the state of the colony. To check the over-production of tobacco a clause was inserted in all fresh patents of land, binding the holder to cultivate a certain quantity of other commodities.[2] Everything was done to encourage permanent settlers rather than mere traders. Apprentices, unmarried women, and neat cattle were sent out.[3] New forms of industry, too, were set on foot, such as timber yards, silk manufactories, iron foundries, and vineyards.[4]

In another way, too, the new spirit which animated the Company began to be felt. In nearly all of the early pamphlets and speeches advocating American colonization, the conversion of the natives had been put prominently forward. Hitherto the

[1] *Virginia Company*, p. 176. Stith, p. 162. The Ordinances in the codified form are republished in Force, vol. iii.

[2] Ordinances in Force, p. 21.

[3] *Virginia Company*, p. 158.

[4] *Ib.* 174, 239, 241. *A Declaration*, p. 21. *Discourse of the Old Company.*

Virginia Company had done but little to fulfill these anticipations. In 1618 the Company began to show signs of carrying out this part of their original design. Land was allotted for a missionary college, and by royal license a general collection was made throughout the realm to obtain funds. Nothing further seems to have been done until after the election of Sandys. On the 26th of May, 1619, we find him laying before the Company a statement of the results of the collection, and a scheme for building and endowing a college.[1] The labors of the Company in this quarter were aided by a bequest of three hundred pounds from Nicholas Ferrar, a London merchant and a leading member of the Company, lately deceased,[2] and by a donation of about six hundred pounds, together with some books, from an unknown benefactor, who adopted the signature of "Dust and Ashes." The persistent modesty of this nameless friend was somewhat inconvenient to the Company, as it deprived them of the opportunity of consulting him as to the employment of his gift.[3] The Company was further strengthened by the accession of Patrick Copland, the first great missionary whom the English Church had produced since the Reformation. In 1614 he had brought over a young Bengalee convert, who was baptized two years later by the strange name of Petrus Papa.[4] The services of Dale and Gates towards each corporation had already established some connection between the Virginia Company and its elder sister, the East India Company, and it is not impossible that this relation, perhaps even the direct influence of one or other of those two eminent men, may have led Copland to extend his sympathies to the younger body. In 1619, on his return from the East Indies, he collected from his fellow-voyagers a sum to be devoted to the conversion of the Virginian natives;[5] and, though he never actually visited the colony, yet from that time he was a zealous and steadfast friend to the missionary efforts of the Company.

Schemes for converting the savages.

Besides these charitable aids the Company adopted other means for raising the needful funds. Iron-works were established in the colony at the Company's expense, of which the proceeds were to be applied to teaching the Indian children Christianity. Unluckily Captain Bluett, the manager of these works, died soon

---

[1] *Virginia Company*, p. 146.
[2] *Ib.*, p. 182. This Nicholas Ferrar was an uncle of his more famous namesake.
[3] Neill, pp. 117, 133. Stith, p. 171.
[4] Neill, p. 107.
[5] *Virginia Company*, p. 222.

after his arrival in the colony, and the scheme fell to the ground.[1] Other difficulties beset the Company in these benevolent labors. Those who planned missionary schools in Virginia can have had little idea of the wild, untamable nature of the Red Indian and of his loathing for the restraints of civilization. As long as the woods held game and the waters fish, there was little chance of the savage allowing his children to undergo what he regarded as the debasement of industry. The colonists, too, could not be induced to lend a helping hand. The Company suggested that Southampton Hundred and Martin's Hundred should jointly undertake the task of training the Indian children. Martin's Hundred pleaded its weakness and confusion, and when the Company proposed to transfer the whole task to Southampton Hundred, the inhabitants offered to pay a hundred pounds to be relieved from the duty.[2]

Divisions of the Company.[3]

The failure of its missionary efforts was not the only discouragement which beset the Company. The new party had established its ascendency, but in doing so it had made for itself enemies both within the Company and without. The necessary investigation into Sir Thomas Smith's account revealed utter carelessness or worse on his part.[4] In self-defense or revenge he allied himself with Warwick and Argall, and headed a party of malcontents, too few openly to influence the proceedings of the Company, but powerful enough to undermine its prosperity and finally to effect its ruin.[5] This party found a convenient tool in the Secretary to the Governor and Council, John Pory. He seems to have been a clever, needy, profligate adventurer, one of those vagrant men of letters who were as common a product of that age as the professional sharper or bully.[6] He had obtained his appointment by the influence of Warwick, and repaid the debt by betraying to him all the in-

[1] Neill, pp. 136, 137.

[2] *Ib.* p. 135.

[3] The history of the dispute on which we are entering is somewhat confused and obscure. Our knowledge of it is chiefly derived from the archives of the Company as reproduced by Stith and Mr. Neill. We have also various documents among the *State Papers*. The *Life of Nicholas Ferrar* is a valuable authority for all the transactions in which he was concerned. The author, Dr. Peckard, Master of Magdalen College, Cambridge, was a collateral descendant of Ferrar, and had access to family documents. This book is published in Wordsworth's *Ecclesiastical Biographies*, vol. iv.; it is to this that my references apply.

[4] Ferrar, Stith, pp. 158, 186. Cf. A letter from Robert Cushman, a Puritan, and afterwards one of the Plymouth Colonists, quoted by Mr. Neill, *Virginia Company*, p. 143.

[5] The alliance between Smith and Warwick appears incidentally in various transactions Cf. Stith, p. 172.

[6] Letters quoted in *Virginia Company*.

tended proceedings against Argall.[1] The detection of this correspondence by Yeardley brought down upon him the wrath of Warwick, to the injury of Yeardley's influence among the settlers, and even, it is said, among the Indians.[2]

To these dangers were united others from without still more serious. Several of the leading members among the new party in the Company were already obnoxious to the court. Sandys, Digges, Selden, and Sir Nathaniel Rich, were at once members of the Virginia Company and of the country party in Parliament. Southampton was a close ally of Essex, whose temper and family history marked him out as a patriot leader. Spain, as we shall hereafter see, was doing her utmost to embroil the Company with the king, and her ambassador, Gondomar, had already taught James that "a seditious Company was but the seminary to a seditious Parliament."[3]

Court opposition.

The first symptom of opposition from the court was upon the election of a successor to Sandys. His term of office expired in May, 1620. The general wish of the Company was to elect Southampton as his successor. A message came from court mentioning four names, and ordering the Company to elect from them. The four mentioned were Sir Thomas Smith, Mr. Johnson, Sir Thomas Roe, and Mr. Abbot. To require the Company to elect either of the first-named pair was asking it to sign its own death-warrant. Smith was now the open enemy of a majority of the Company. Johnson was a follower of Smith, under whom he had served as Deputy-Treasurer, and was fully as obnoxious to the Company as his principal. Abbot was an obscure merchant. Roe would have been unquestionably the best of the four. He was the greatest of those half-commercial, half-political agents, who fill so large a space in the travels of that age. But he was an intimate friend of Sir Thomas Smith, and that alone, in the present state of affairs, was fatal to him with the Company. Moreover, the mere fact of crown interference, quite apart from its special direction, was enough to excite distrust. Accordingly a deputation was sent to wait on the king and to request him to reconsider his order. Whether the king's courage failed him in the face of a decided opposi-

Election of Southampton as Treasurer.[4]

[1] *Virginia Company*, p. 136. Stith, p. 157.

[2] Stith, p. 193.

[3] *A New Description of Virginia*, p. 9. Force, vol. ii.

[4] The election of Southampton is described with great animation by Peckard. The Company's archives, or at least Mr. Neill's extracts from them, are scanty on this point. Cf. Stith p. 178.

tion, or whether, as James stated, his messenger had really outrun his commission, is uncertain. According to the king's own account he had merely recommended the four without any wish to limit the Company to them. If this were so, a stranger instance of injudicious interference it would be hard to find, even in the history of James I. On the 18th of June Southampton was unanimously elected without a ballot. Nicholas Ferrar was elected Deputy-Treasurer. Sandys did not wholly withdraw his services, but informally retained some share in the financial management.

So far the storm had blown over, but the Company soon experienced the hostility of the crown in other forms. As early as 1619 a dispute arose about the tobacco duty. The charter of the Company exempted it from any duty beyond five per cent. The king demanded a duty of a shilling a pound on Virginia tobacco, although its market price was but five shillings, on the plea that Spanish tobacco sold for twenty shillings a pound. At last the dispute was settled by a compromise, and the Company paid the increased duty in consideration of all tobacco culture being forbidden in the kingdom. Two years later a monopoly of the tobacco trade was granted to certain private persons, and by their request a proclamation was issued limiting the importation of tobacco from Virginia and the Somers Islands to fifty-five thousand pounds. The Company, seeing no chance of getting the proclamation reversed, resolved to make the best of matters. The Somers Islands were even more dependent on tobacco than Virginia. Accordingly the Company decided that the whole fifty-five thousand pounds should be exported thence, and that the Virginian tobacco should take its chance in the markets of the Netherlands. Thereupon the Privy Council met them with a prohibition to import any tobacco into foreign markets. The leading members of the Company remonstrated, but their remonstrances were only treated as contumacy. At last in 1621 Parliament interfered, and though it did not remove either the monopoly or the prohibition on foreign importation, it relieved the Company from the limitation on the quantity of tobacco to be imported.

Dispute with the king about tobacco.[1]

These disturbances, though they imperiled the welfare of the Company, do not seem to have interfered with the prosperity of the settlers. The new Governor, Wyatt, seems to have fol-

[1] This is told at length in Stith, p. 168 *et passim.*

lowed the example of his predecessor Yeardley in loyalty to the Company, and in moderation and wisdom in his dealings with the settlers. In the year 1619 alone over twelve hundred persons were sent out, half as private settlers or servants, half at the expense of the Company.[1] A good idea of the prosperity of the colony may be derived from a thanksgiving sermon preached at the church of St. Mary-le-Bow by Copland on behalf of the Company.[2] The enthusiastic missionary was evidently a man of sound practical sense, who thoroughly understood the sort of arguments likely to have weight with London traders and merchants. Thus his sermon is not merely an exhortation, but a business-like statement of the doings of the Company for the few preceding years. After bidding his hearers thank God for the deliverance of the colony from its early troubles, he dwells on the many advantages which it now held out. There was a public guest-house for the reception of new-comers. The iron-works, glass-works, and salt-works promised well. The country yielded abundance of corn and all manner of fruit. The copper and iron mines proved rich, and there was every reason to hope for more precious metals. He then instances as special matter for thankfulness the safe arrival of a fleet of nine ships during the past year, and the deliverance of one after she had actually been captured by Turkish pirates. He dwells on the need of sending out preachers, "not such as offer themselves hand over head," but men specially fitted for the task. In conclusion, he speaks of the overpeopled state of the mother-country, and need of providing a refuge for our surplus population. He praises the wisdom of the Mayor and Aldermen, who had twice sent out a hundred poor children at the joint expense of the City and the Company, and he contrasts the prosperous lot of a settler with the wretched lot of a starving London workman.

State of the colony as described in Copland's sermon.

These bright hopes for the future of Virginia were destined to be rudely shattered. In July tidings reached England of a calamity more stupendous than any which had yet befallen the colony. The peaceful relations with the Indians which had now subsisted for seven years had lulled the settlers into false safety. During the life of Powhatan, indeed, the friend-

The massacre.[3]

[1] *Declaration of State of Colony*, pp. 5, 10.

[2] This sermon is reproduced by Mr. Neill. *English Colonization*, p. 144.

[3] I have taken this account of the massacre mainly from Stith. In addition to Smith's History and the Company's Archives, he may have had access to private letters.

ship of the two races was secure, so far as the fickle temper of savages can admit of security. It is clear that the old chief was deeply impressed with the superior skill and strength of the white man, and we may well believe that the young Rolfe served as a hostage for the good behavior of his grandfather. But in 1618 Powhatan died. His next brother, Opitchapan, was feeble both in mind and body. Among the Indians the influence of moral and physical power almost always overruled that of titular authority, and the chief power virtually devolved on a third brother, Opechancanough, a man of energetic and ambitious temper and a master of dissimulation. He had never shared his brother's liking for the English, and had been suspected of a design for cutting them off at Powhatan's funeral. The plot, however, if plot there was, came to nothing, and the suspicions of the settlers were allayed. Every feeling of hostility between the races seemed to have vanished, and the English admitted the Indians to their tables and bed-chambers without a thought of danger. One of the leading settlers, George Thorpe, made himself conspicuous by his friendship for the Indians. He had given up a post at court and had come out as head of the projected Indian college, intending to devote his life to the salvation of the heathen. He especially attached himself to Opechancanough, and in hopes of his conversion, built him a house of the English pattern, with a lock and key, which were a source of childish delight to the barbarians. With all this show of friendship, Opechancanough was but biding his time to strike one final blow and exterminate the new-comers. An occasion soon offered itself. There was among the Indians a noted warrior called Nemattananow, whose courage and fortunate escapes had established a belief among his countrymen that he was invulnerable and immortal. His reputation even extended among the settlers, with whom he went by the name of Jack of the Feather from his special love of adornment. This man seems to have inveigled an English trader named Morgan into the Indian country and there to have murdered him. So little did Nemattananow care to conceal this outrage that he soon returned to Morgan's own settlement, wearing the cap of his victim. Morgan's servants at once suspected mischief, and endeavored to arrest the savage and to bring him before Thorpe, whose friendship for the Indians was a guarantee for just treatment. Nemattananow resisted, and in the struggle which ensued he was mortally wounded. His vanity seems to have been even

stronger than his desire for revenge, and he begged his captors to conceal his death from his countrymen and not to destroy the belief in his immortality. How the secret escaped does not appear, but it did so.

The death of a great and popular warrior gave Opechancanough a pretext wherewith to rouse the fury of his countrymen, and a general massacre was arranged. Fortunately, however, there was at least one Indian on whom the kindness of the English had not been thrown away. A settler named Pace was warned of the impending attack by a convert who lived in his house. Pace at once hurried off to Jamestown and told the Governor what was intended. Unfortunately, the scattered state of the colony, where each man lived on his own farm, made it impossible to concert a plan of resistance, or even to send warning to the most distant plantations; and though the scheme of extermination failed, three hundred and forty-seven of the settlers were slain. Among the first to perish was the benefactor of Opechancanough, Thorpe.

The nature of the attack served to show how deeply imbued the savages were with dread of the white man, and what slight precautions might have kept off all danger. Almost in every instance, where the first onslaught was repulsed, and where the English summoned up courage to resist, the attack failed. In more than one case a single man successfully defended his house against a whole band of savages. The rest of the year was occupied with a desultory warfare between the two races. As usual, the thriftless habits of the Indians made it easy for the English, by ravaging their cornfields, to reduce them to a state of famine, and before the winter was over, the blood shed in the massacre had been fully avenged. Next year war was carried on in the same manner. The Assembly issued a quaintly-worded order, that "the inhabitants of every plantation should fall upon their adjoining savages." Measures were taken for defense. All houses were to be palisaded, and no one was to go to church unarmed.[1] We may assume that these steps were effectual, since for some years no Act concerning the Indians is to be found in the statute-book.

The old friendly relations between the two races were of course now at an end; yet it must be said, to the credit of the settlers, that the injury they had sustained never led them into a reckless indifference to the rights of the savages.

[1] Hening's *Statutes of Virginia*, i. 127.

The massacre was a crushing blow to the rising hopes of the Company, but still worse evils were behind. The Company had already offended both the king and the Parliament, and they had another foe in the background, whose hostility was the best evidence of their services to their own country. As early as 1612 the Spanish Government had thrown an uneasy eye on the English settlers in Virginia. Early in the spring of that year rumors reached England that a fleet of thirteen sail was making ready to annihilate the infant settlement at Jamestown.[2] These warnings were more fully confirmed by reports from Madrid and Paris during the summer. Later in the year the Spaniards decided to hold their hands and to see if the colony would not fall through of itself. Little, they thought, could come of an undertaking which lacked the royal support and relied on such uncertain aid as public lotteries.[3] The Spaniards who had been sent to Virginia, by what means or on what pretext does not appear, brought back such a report of the weakness of the colony that the Spanish Government decided to leave it to its fate. At the same time Gondomar sent home a report which cannot but fill every patriotic Englishman with shame. It contrasts the present English navy with that of the last reign. Then every Englishman was a privateer; now only a few merchants went out, and the king's ships rotted in the harbor. The writer complacently looks forward to a time when the same decrepitude should show itself in every branch of the service.[4] But though the necessity for rooting out the obnoxious settlement in Virginia might be lessened, we may be sure that the object was not forgotten. Gondomar's influence over James and his courtiers was matter of notoriety, and though Spanish intrigues were too craftily carried out to leave their traces on the surface, yet we may be certain that common belief did not err in reckoning the Spanish ambassador as the main cause of the downfall of the Virginia Company.

Intrigues of Spain against the Company.[1]

Besides, there were various circumstances calculated to preju-

[1] It is probable that a complete examination of the Spanish Archives would reveal even more than we yet know on this point, and might throw light on the judicial murder of Raleigh and other dark passages in the Court History of the time. We know, however, fully enough to establish the fact of Spanish intrigues having contributed largely to the overthrow of the Company. Some of the letters referred to below are among the unpublished papers in the Record Office.

[2] Letter from Sir John Digby, our ambassador at Madrid, to Dudley Carleton, October 12, 1612.

[3] Digby to the king, *Colonial Papers*, May 13, 1613.

[4] This report is in the Record Office.

dice public opinion against the Company and to make it appear a hot-bed of intrigues and squabbles. A certain Captain Nathaniel Butler, Governor of the Somers Islands, got into trouble on a charge of extorting money from some Spaniards who had been wrecked there. The charge was aggravated by an accusation of cruelty, which seems to have been unfounded, but of the extortion there could be no doubt. Not long after Butler addressed a memorial to the government, bringing various charges of mismanagement against the Virginia Company. There is no direct evidence of a connection between the two events, but it is at least a suspicious fact that we find the charges against Butler disappear, while almost simultaneously he comes forward as the assailant of the Virginia Company. His attack was contained in a pamphlet called the "Unmasked Face of our Colony in Virginia as it was in the Winter of 1622."[2] Without going through his charges in detail, it is enough to say that some of them were untrue, while others pointed out either trivial evils or those which could hardly be avoided in a newly-settled country and which the Company was striving to amend. The attack was answered, not by the Company, but far more convincingly, by thirty-four leading men among the settlers, including Wyatt and Yeardley. Their answer shows how Butler's previous misconduct in Virginia unfitted him to be a witness, and how all the more serious evils which he points out, the occasional scarcity of food, the poverty of the houses, and the loss of life among the settlers, were due to the policy of that very section of the Company which the present leaders had done their best to oppose. In truth, as far as Butler's attack proved anything, it showed how much credit the leaders of the Company deserved for having rescued the colony from the misery to which it had been brought by the mismanagement of Sir Thomas Smith. Nevertheless, we may be sure that Butler's attack did something to discredit the Company with the unthinking and uninquiring, and to furnish its assailants with a pretext for attack.

Butler's case.[1]

Butler was not the only private enemy whom the Company

[1] The particulars of this are to be found in a collection of documents among the *Colonial Papers*, chiefly letters from Butler.

[2] Butler's attack and the colonists' reply are to be found in the *Virginia Company*, p. 395. The connection between Butler's attack and the suppression of the Spanish charges is pointed out in the *Discourse of the Old Company*. It also points out how Argall's services as an instrument for the destruction of the Company were similarly procured by the suppression of a charge of piracy brought against him by the Spanish Government.

had to fear. A certain Captain Bargrave complained of wrongs done to him as a landholder in Virginia. According to Sir Thomas Smith, against whom his complaints were specially directed, he was an unauthorized squatter. It would seem as if his claims were in some way mixed up with Martin's, and if this was so, both cases illustrated the mischief of allowing private settlements independent of the general jurisdiction of the Company. It would be unfair to class Bargrave's attack with Butler's. It is quite possible that he had real grievances against Sir Thomas Smith, and it is not unlikely that he was one of the victims to Argall's rapacity. He himself frankly acknowledged how great an improvement had been wrought by the present management; and so, like Butler, he in reality bore witness to its efficiency. It is noteworthy that we do not find any disposition, among the supporters of Southampton and Sandys, to use Bargrave as a tool against Smith.

Bargrave's case.[1]

In addition to these troubles with Butler and Bargrave, Brewster's grievance seems to have been still unredressed, and a new enemy arose in the heir and nephew to Sir George Somers, Matthew Somers, who had certain claims against the Company.[2]

Besides these individual attacks, a number of other influences contributed to weigh down the hopes of the Company. The massacre had impressed the public, and not altogether unjustly, with a strong idea of the carelessness and ill discipline of the settlers.[3] A neglected harvest, followed by scarcity and sickness, was the natural consequence of the massacre.[4] The powers at work on behalf of the Company began to flag. Sermons were no longer heard setting forth the claims of Virginia and the duty of converting the heathen and of providing homes beyond the sea for paupers and criminals. Subscribers stood aloof; the Company became alarmed by the rumors of impending attack, and the ships loaded with supplies for the settlement lingered in the Thames.[5] In another way events had taken a turn unfavorable to the Company. The king's desire for the Spanish marriage was at its height, and Spain, as we have seen, looked on the Company as rivals and enemies. In this matter the memory of James has met with gentler usage than

Other influences prejudicial to the Company.

[1] The papers referring to Bargrave's case are to be found in the *Colonial Papers*, ii. 7, 8; iii. 11, 12; and *Colonial Entry Book*, lxxix. p. 202.

[2] *Virginia Company*, p. 55.

[3] Chamberlain to Carleton; *Colonial Papers*, July 13, 1622.

[4] *Discourse of the Old Company.* [5] *Ibid.*

that of his grandson. To have been the pensioner of France has ever been justly deemed the crowning infamy in the character of Charles II., a stain even transcending his gross private vices. Base indeed it was for the successor of Cromwell to be the vassal of Lewis; but if there be room for comparison in such infamy, it was yet baser for the successor of Elizabeth to truck away the welfare of his subjects and the honor of his kingdom for the fickle and grudging favor of a Spanish king, degenerate even in his tyranny.

Such, then, were the hostile influences, made up of court intrigue, private greed and covetousness, and lack of public spirit, which hung like a storm-cloud, ready to break upon the Company.

Before we enter upon the somewhat intricate train of events which followed, we must turn our attention to a new actor who now assumed a leading place in the counsels of the Virginia Company. The name of Nicholas Ferrar is better known to students of ecclesiastical than of political history, and the irregular quasi-monastic society which he founded and superintended at Little Giddings, though not more honorable to his fame, has perhaps better claims to general attention than his brief term of office as Treasurer of the Virginia Company. We may be sure that it is to the later part of his career that we owe the record of a laborious and affectionate biographer, who has thus preserved a number of incidents which are to us of the greatest historical interest and importance. Nicholas Ferrar was an offshoot of one of those great mercantile houses, like the Loks and the Salternes, to whom our early efforts in discovery and colonization owe so much. Ferrar himself may be looked upon as embodying many of the best characteristics of the cultured gentleman of the sixteenth and seventeenth centuries. In politics he was of the party of Selden, soon to be the party of Eliot and Hampden, the party which claimed the allegiance of all the foremost members of the Virginia Company. In religion he represented that Catholic revival, which is identified with the names of Laud and Andrews; and Ferrar's public career is a proof that the Church policy of Laud and the civil principles of Strafford, though often allied, were not necessarily or vitally connected. His youth was marked by that precocity of moral and intellectual development and by that tone of gravity which often seem to foreshad-

Nicholas Ferrar.[1]

[1] For his biography see p. 164.

ow an untimely death; the feebleness of his constitution threatened to confirm these fears, and may have had its share in inducing him to abandon a career full of promise for a life of religious seclusion. The foreign travels which followed upon a brilliant career at Cambridge are told by his biographer with a graphic fidelity which makes even commonplace incidents picturesque; and the whole narrative might serve as a fitting comment on Bacon's Essay on Travel at a time when a visit to foreign countries was in reality a branch of liberal education. In 1618 Ferrar returned to England, and even then, at the age of twenty-six, he would have preferred the seclusion of college life to the public employment which his family connection soon forced upon him. His father's age, however, made it almost needful that the son should share the burden imposed by the affairs of the Virginia Company; and when in the following year the elder Ferrar died, the son at once stood forward among the leading members. Immediately upon his return he had been appointed to a position of trust in the Company, and in 1622 he was elected Treasurer in the stead of his brother. To this appointment we owe a large share of our existing information as to the latter days of the Company, preserved, as I have before said, by the kinsman and biographer of Ferrar, rather for the sake of its personal than its historical interest.

Tobacco contract.[1]

We have already seen how the Virginia tobacco trade had been the means of entangling the Company in its first dispute with the crown. In 1622 a fresh difficulty arose. That crafty and unprincipled statesman, Lord Middlesex, told certain members of the Company that evil reports about them were on foot, and that the king had been set against them, and that it would be best to anticipate mischief and to propitiate the court by offering a large percentage on all tobacco brought into the kingdom, while the Company, in return, should be granted a monopoly of importation. The Company at first, in their own language, "refused the gilded pill," but at length the wish to avert the king's displeasure and the temptation of the monopoly were too much for them. Although the king inserted the monstrous condition that the Company should import at least forty thousand pounds weight of Spanish tobacco, a condition doubtless intended to gratify the Spanish Court, the Com-

[1] I have taken this account from the *Discourse of the Old Company* and from Stith.

pany, after some discussion, accepted the agreement. Its principal conditions were:

1. That no tobacco should be grown in England or imported by any person except the Virginia and Somers Island Companies.

2. That in consideration of this the Company should grant the King a third of the proceeds of all their tobacco.

3. That they should also import not more than sixty, nor less than forty, thousand pounds of Spanish tobacco.

For the time being the Company might well suppose that they had bribed their great enemy into acquiescence, and that they had in some measure identified their own interests with those of the Spanish court. Events soon showed how ill-founded were such hopes. From the very outset the new contract was a fruitful source of disaster. As might be supposed, so substantial an addition to the business of the Company could not be undertaken without an immediate increase of the working staff, and the offices which had to be called into existence involved the payment of two thousand a year in salaries. This at once gave rise to a series of disputes whose precise nature may be involved in some uncertainty, but whose pernicious effect can be a matter of no doubt. A certain Mr. Wrote, hitherto, it is said, a loyal and zealous member of the Company, felt aggrieved at the additional expense involved in the new contract.[1] It is difficult to say whether Wrote was really one of the faction of Sir Thomas Smith, Lord Warwick, and Argall, a faction which now almost openly lent itself to the court in its designs upon the Company, or whether, as seems rather more probable, he was really an honest but violent and wrong-headed man. If the latter, one can easily see how valuable a tool he might be to the opponents of the Company. The characters of Smith and Argall were already tainted, and their relations to the Company were such that they could make no pretense of impartiality in their dealings with it. A member of the Company who honestly believed that the leading men, Southampton and supporters, were using the Company as an instrument to increase their own patronage and profit, was exactly the tool needed by the court to give a semblance of fairness to their attacks. Whatever might be the purity of Wrote's intentions, there seems little doubt of the violence with which he expressed his views, or of the fairness with which Southampton

Factions in the Company.

[1] *Virginia Company*, p. 385. Suth, p. 254.

dealt with him. A scheme of financial reform which Wrote brought forward was partially discussed, and at length rejected by the unanimous vote of the Company.

Unreasonable as Wrote was, it is easy to see how his action might prejudice the Company in public estimation. It needs little experience of a corporation to know how one factious member can drag the whole body into a series of conflicts, in which it is scarcely possible for the majority to always preserve the appearance of fairness, even when there is no substantial ground for complaint against them.

The Company now obtained the name out of doors of a very hot-bed of quarrels, whose meetings were rendered unseemly by the wranglings and recriminations of its members.[1] At length the two factions were summoned before the Lord Treasurer. The only result of these meetings seems to have been to give opportunity for an attack upon Southampton and for an easily refuted charge against the members of the Company.[2] The matter soon reached a further stage. Johnson, who, as we have seen, was one of the foremost among the enemies of the Company, lodged a petition with the Privy Council, calling attention to various alleged defects in the management of the Company.[3] Probably in consequence of this attack the Company were summoned before the Privy Council to answer various charges brought against them. The principal subject discussed was the tobacco contract. The Company suggested various amendments whereby the business might be made more profitable to all parties. The meeting apparently ended satisfactorily, when suddenly all further concern about the matter was stopped by an order from the king annulling the contract.

The Company brought before the Privy Council.

The events which followed, and the dealings of the Privy Council with the Company, were so complicated, and the records of them are so fragmentary, that it is impossible to present them in the form of a consecutive narrative. It must be enough to give the leading features of the struggle, and to single out a few episodes which illustrate the spirit in which the attack was conducted. From the outset the court manifestly hoped that the matter would be ended by a surrender of the Company's patent; a step which, whatever its formal results

Further attacks.

[1] Chamberlain to Carleton, *Colonial Papers*, 1623, April 19 and July 26.

[2] *Peckard*, p. 168. They were accused of sending inflammatory letters to the authorities in Virginia. When brought before the Privy Council, the charge at once fell to the ground.

[3] Johnson's petition is published by Mr. Neill, *Virginia Company*, p. 387.

might have been, would have practically signed the death-warrant of the corporation. With this view, the Company was more than once brought before the Privy Council. Distracted as it was by internal divisions, it might well have been expected that the Company would have given way, but it was not so. The courage with which they fought out their hopeless battle forms a fitting end to a glorious career.

As I said before, a few leading episodes will serve to illustrate the temper in which the contest was conducted. The court attempted to seduce Ferrar by offers of high preferment, but in vain.[1] Persuasion having failed, force was tried. On the strength of a memorial presented by Lord Warwick, accusing the opposite party of intemperate language and misrepresentation, the two Ferrars, Sandys, and Lord Cavendish, who were now taking a prominent part in the councils of the Company, were confined to their separate houses by an order of the Privy Council, and thus deprived of all opportunity of conference or united action.[2] There is some reason, too, to think that a like measure was adopted for incapacitating Southampton from further activity.[3]

Members imprisoned.

Other measures were taken to cripple the Company for self-defense. On Thursday, the 13th of April, a document was laid before the Company, containing thirty-nine articles of indictment, and an answer required. In spite of all the representations of the Company, the Council insisted on receiving the answer before Monday, the 17th. The task seemed hopeless, but the energy of the Treasurer and his friends was equal to the need. The charges were divided into three heads, and the duty of answering them was apportioned to Ferrar, Sandys, and Cavendish. Six copying clerks were employed day and night, and by the required time an answer was produced.[4]

The articles of indictment.

Another proof of the spirit in which the court dealt with the Company was shown by the selection of Commissioners to inquire into the affairs of Virginia. The first Commissioners were appointed early in 1623, with full instructions to investigate the

[1] *Peckard*, p. 165, states that Ferrar was offered his choice of the clerkship to the Council, or the embassy to the court of Savoy.

[2] *Virginia Company*, p. 411. *Colonial Entry Book*, lxxix. p. 205.

[3] *Peckard*, p. 165. I can find no direct proof of Southampton's imprisonment in the State Papers. At the same time Peckard's statement is confirmed, or at least rendered probable, by Southampton's absence on one or two important occasions.

[4] *Peckard*, p. 174.

whole management of the colony. In the selection of these Commissioners there was, as far as our present knowledge enables us to judge, nothing to which the friends of the Company could reasonably object. We cannot now trace the precise steps by which the commission was enlarged, or whether it was reconstituted with fresh powers, but this much, at least, is certain, that at a later day it contained among its members Argall, Johnson, Pory, and Sir Thomas Smith,[1] all of them personally hostile to the Company, and with characters blemished by their previous dealings with the affairs of the colony. As if to declare the open and avowed unfairness of their proceedings, they met at the house of Sir Thomas Smith, who had been for six years the vindictive enemy of the party of Southampton and Sandys.[2]

Appointment of Commissioners.

The best evidence perhaps on behalf of the Company is the unanimous support which it received from the settlers in Virginia. Had the enemies of the Company received the least semblance of support from the settlers, we may be certain it would have been ostentatiously paraded. In such a case the absence of evidence is in itself the best evidence that can be had. We cannot doubt that it was a knowledge of the feeling prevalent in the colony, which induced the Privy Council to issue an order that all letters sent thence should be intercepted and laid before them.[3] It is therefore no matter for surprise that we have no documents setting forth the views of individuals which can be opposed to those of Butler and Johnson.

The colonists support the Company.

But though no expressions of individual feeling were permitted to become public, the colonists were able to make known their views. Two documents were sent home by them. One was that general report of the state of the colony to which I have already referred.[4] That which accompanied it was even more striking. It was an address to the Privy Council drawn up by the Governor, Council, and Assembly of Virginia.[5] This address, after exonerating the colonial government, and indirectly the Company, from various charges of mismanagement, expressed an opinion that there was no need for any change. The circumstances under which this address was drawn up increase its value.

[1] Their names will be found appended to various documents in the *Colonial Papers*.
[2] *Colonial Papers*, 1624, July.
[3] *Colonial Entry Book*, lxxix. p. 210. [4] P. 171.
[5] *Virginia Company*, p. 407. *Colonial Papers*, 1623, February. This document is entitled *The Tragical Declaration of the Virginia Assembly*.

Certain of the Commissioners had landed in Virginia, and with a view to entrap the Assembly into sanctioning their proceedings, had laid before it a form of subscription, testifying thankfulness for the king's care of the colony, consenting to the revocation of old patents, and accepting a new charter. The snare was laid in vain. The Governor, Council, and Assembly replied to the suggestion by stating that they had already thanked the king for his care of the colony, and that they would deal with the question of surrendering the patent when it formally came before them. To this they added a hope that the king, having been misinformed, would, on further knowledge, abandon his intended change in the government of the colony. The Assembly apparently went still further, and sent in a separate answer, questioning the authority of the Commissioners to make such a proposal and inquiring the extent of their authority. The Assembly obtained a complete triumph, and the defeated Commissioners had to acknowledge that they had in this particular matter acted without authority or instruction.[1]

Though the evidence of the colonists was but negative testimony, it is scarcely possible to overrate its value. Everything tended to urge them to take the part of the crown against the Company. If the charges of neglect and mismanagement brought against the Company had been true, we may be sure that the colonists would gladly have seized the chance of winning redress and obtaining a change of masters. Even without this they might have been led on by a desire to propitiate the side which in the long run seemed certain to prevail. Yet in spite of all this they stood loyally by the Company, and proved that if its rule had not been gainful to its members, it had earned the higher praise of being beneficial and acceptable to the colonists.

The enemies of the Company now felt that things were ripe for an open and undisguised attack. In July, 1623, the Attorney- and Solicitor-Generals reported to the king that they had considered the case of Virginia, and recommended that he should take the government of the colony into his own hands.[2] In October an order of the Privy Council was issued, announcing the intention of the king to resume the charter and to establish a new constitution.[3] The pro-

The Privy Council transfers the government of the colony to the crown.

[1] All these documents will be found in the *Colonial Papers*, 1624, March 2 and 3.

[2] *Colonial Papers*, 1623, July 31.

[3] *Ib.*, 1623, Oct. 8.

posed change would transfer the home government of the colony to a Council appointed by the king, and would likewise vest the appointment of the Governor and colonial Council in the crown. In other words it transferred to the crown the whole control of the colony, leaving the Company simply in the position of a trading body, and as such, dependent for its position and privileges on the favor of the king. The high spirit which had sustained the leaders of the Company did not now fail them, and they refused to give up their rights.[1] Accordingly a *quo warranto* was issued, ordering the Company to justify its tenure of privileges, as being for the public good, and upon failure of such justification, to surrender its charter.

Attempt to bring the matter before Parliament.

The Company now sought help in a new quarter. More than one cause led them to believe that they might now fight their battle in Parliament with some hope of success. In February, 1624, a new House of Commons was elected and various leading members of the Virginia Company were returned as members. The failure of the Spanish marriage and the disgrace of Lord Keeper Middlesex seemed materially to alter the prospects of the Company. Accordingly a petition was drawn up and presented to Parliament, setting forth the services which the Company had done to the nation, and the future good which might be looked for from its labors. The petition was favorably received, and a committee appointed to consider the case of the Company. But before any steps could be taken, a message came down from the king warning the House that the administration of Virginian affairs had been specially entrusted to the Privy Council, and forbidding any interference. The House acquiesced in the prohibition, not, we are told, without open expressions of discontent.[2]

The patent formally revoked.

The end was now at hand. In July, after various delays, the case came into court. If we may believe Ferrar's biographer, the main argument brought against the Company by the opposing Counsel was of so frivolous a character as to be an open admission that the case had been prejudged. The Attorney-General attacked the patent on the ground that it granted the privilege of transporting the king's subjects to Virginia, a privilege which, if continuously exercised, might in time depopulate the realm and transfer the whole English nation to

[1] *Colonial Papers*, 1623, October 15, 17 and 20.

[2] For the petition and its fate see *Virginia Company*, p. 415.

the dominion of the Company.[1] But it mattered not whether the plea was good or bad. The patriotic spirit of resistance which had shown itself so fully in the Company, and which was gradually awakening in Parliament, had no place in the law courts, and on the 24th of July, 1624, judgment was pronounced, declaring the patent null and void.[2]

Subsequent history of the Company's records.[3]

Only one episode remains to be told. Early in 1624 there was reason to suspect that the court, among its manœuvers against the Company, was attempting to obtain possession of the archives. The unscrupulous conduct of the court party in intercepting Virginian letters might reasonably alarm the leaders of the Company. Southampton and his followers felt that their own character and their dealings with the colony could only be justified to posterity by preserving the formal records of their proceedings. Accordingly a copying clerk was procured and locked up for safety in a room in Sir John Danvers's house. The minutes of the Company were copied, and then verified and attested by the Secretary, Edward Collingwood. The story goes, that when the documents were taken to Lord Southampton, he embraced Danvers in his gratitude, and exclaimed, "These are the evidences of my honor, and I value them more than the evidences of my land." In truth, the papers were the evidence, not only of the honor of Southampton, but of the unswerving fidelity with which the Company had discharged its trust. The originals were lost, or possibly destroyed by those enemies whose reputation was compromised by them. The copies met with a better fate. Purchased from the Southampton family by an American antiquary, they served as the basis for Stith's manly and outspoken vindication of the Virginia Company. At a later day they passed into the hands of a Virginian statesman, who, with all his faults, was as determined an enemy to tyranny of every kind as Southampton or Sandys, and at the death of Jefferson they found a fitting place in the library of the American Congress. To the possession of these papers we owe our detailed and minute knowledge of the history of the Virginia Company.

The struggle between the crown and the Company, as far as our sympathies and approval are concerned, needs little comment.

---

[1] *Peckard* p. 175.

[2] *Virginia Company*, p. 417.

[3] The history of the records is told by Mr. Neill in his introduction to them. Cf. *Peckard*, p. 178.

There, as so often in history, our feelings are all enlisted on that side whose defeat we must nevertheless deliberately believe to have been productive of good. Morally and politically, indeed, the abrogation of the Virginian charter was a crime. It was one of the earliest of those efforts in which the Stuart reigns were so fruitful, efforts to wrest the process of law to the arbitrary purposes of the crown. It was part of that policy which sent Raleigh to the scaffold, and which sought to make England the friend, almost the vassal, of the oppressor whose rod she had broken. Yet it would be flattery to give it a high place among the misdeeds of the Stuarts. When we think of James's public crimes, of the death of Raleigh, of the living entombment of Arabella Stuart, still more when we recall his private life and that court where the foul creatures of Eastern despotism, the intriguer, the favorite, the poisoner, found honor and reward, we may well echo the prayer of the Roman satirist and wish that such trifles as the overthrow of the Virginia Company had furnished full work for that mean mind and bad heart. The dissolution of the Company was one of those cases where a base and tyrannical policy has been an unconscious instrument for accomplishing the work of freedom. To exchange the rule of vigorous, public-spirited men like Sandys and Southampton for that of a narrow-minded, pedantic tyrant like James, might seem an incalculable loss. But, in truth, that outburst of patriotic zeal which marked the efforts of the Company during its last four years could not have been reckoned upon as certain to last; it would hardly perhaps have shown itself so decisively but for that opposition which at length proved fatal. Without some special stimulus and an amount of individual enthusiasm and self-sacrifice which it was almost hopeless to expect in ordinary times, the Virginia Company would probably have sunk into a cautiously-administered corporation, looking on the colony simply as a financial speculation and with little sense of its national importance. The case of the India Company may perhaps be quoted as an argument against such a view. There we see that such a corporation was able to rise above the mere calculations of traders, and, recklessly it may be at times and even unscrupulously, but with no dread of responsibility and no indifference to lofty aims, to administer the affairs of a great empire. But, in truth, the position of the two bodies was wholly different. In the case of India the merchant was necessarily forced to become

Conclusion.

a conqueror and a ruler. The ambitious, enterprising, domineering temper of the Englishman would not suffer him to remain the mere servant of a trading company. No such obligation would have been laid on the Virginia Company. Either its settlements would have remained subordinate to trade, little better than the Dutch or Portuguese factories in the East Indies, or else in all likelihood the responsibility of governing a growing colony would have brought the Company into conflict with the crown, when the colony itself would have been drawn into the contest and its yet insecure rights would inevitably have suffered. As it was, the colony, happily for its future, passed under the control of the crown while it was yet plastic, undeveloped, and insignificant. Neither its immediate resources, nor any promise of political greatness, invited attack, till the day had passed when such an attack could be dangerous. During the interval the neglected community was silently maturing its resources, till the Virginian planter, with all his pride of birth and oligarchical temper, was fitted to play his appointed part in the great struggle for national freedom.

One lesson stands out clearly written on the events which we have surveyed. The sixteenth century, with its many-sided life and its complexity of interests, may be looked at from various points of view. Not the least important is that which sees in it the conflict of two great political principles whose warfare, in one form or another, will last as long as society endures. On the ruin of old institutions and beliefs, amid that boundless outburst of new ideas and new systems, two theories of society struggled for supremacy. One was that of a strong government, not the rule of a feudal king, bound by measured responsibilities and limited prerogative, but, in the Greek sense at least, of a tyrant, whose authority, fortified by the wisdom and energy of chosen counselors, should mark out clearly and definitely the constitution of society and the life of individuals. Over against it stood the idea of reviving the free self-governing communities of the ancient world. The Puritan states of Europe and America, Geneva and New England, were the most conspicuous representatives of the latter theory. England under Tudor rule approximated to the former, though the deeply-rooted life of her free constitution did not suffer her to attain it fully, even under Thomas Cromwell and his master. The theory of a benevolent despotism determining the daily life of the citizen and the social

and industrial development of the state, is to some more attractive than that free play of individual character under which England has grown and thriven for two centuries. In Virginia we see the two systems placed side by side and fairly tested. If a community could be disciplined into order, sobriety, and godliness, the system on which Delaware and Dale governed Virginia ought to have succeeded. We have seen the results. The experiment of self-government was tried under no hopeful auspices. Virginia struggled on disregarded and neglected, till at length the little community of idlers and spendthrifts grew into the "Mother of Presidents," the birthplace of Jefferson and Madison and Washington.

CHAPTER VII.

VIRGINIA UNDER ROYAL GOVERNMENT.[1]

Change in in the character of our subject.

Hitherto we have been dealing with the history of colonizers rather than that of colonies. Our attention has been mainly directed to the efforts of those Englishmen who were laboring to win fresh provinces for England beyond the Atlantic. Now we must transfer it to the occupants of those provinces. The time of colonization in Virginia is practically past. Henceforth we must look at it as a settled community, working out its own career and moulding for itself its own institutions and social life. As far as the interest of our subject goes, it must be admitted that the change is for the worse. The petty personal disputes, and the narrow objects which make up the public life of a little colony, are but poor subjects for history beside the self-devoted labors of the early Virginian explorers. The history of a small community is not necessarily void of interest, as may be seen in the case of New England. But that marvelous political activity, which makes the history of Massachusetts and the kindred states such a mine of wealth for the student of institutions, has no place in Virginia. There the course of national life flowed on tranquilly, while such changes as did occur were wrought silently and beneath the surface, and can scarcely be traced save in their final effects. Thus the period of Virginian history on which we are about to enter can be dealt with on a scale which may seem disproportionately small in comparison with the ground which we have already traveled. This is due alike to a difference in the extent of our knowledge and in the interest and importance of our subject. We have

[1] The materials for this chapter are mainly taken from the *State Papers*, and from Hening's *Statutes of Virginia*. My references are to the edition of 1823. I have also referred to pamphlets in Force's collection.

passed as it were from broad daylight into dusk. The doings of the Virginia Company are almost as clearly and definitely recorded as the Parliamentary proceedings of our own day, while we have abundant assistance from letters and pamphlets. The early history of the colony itself has to be spelled out, like the early history of most communities, in no small measure by a process of inference and conjecture. There is another reason for a less ample treatment in the inferiority of personal interest. The early Virginian explorers and their friends and supporters at home seem to stand between two epochs and to share in the interest of each. The great Elizabethan heroes seem to live again in the wisdom of Hakluyt and Sandys, in the daring of Smith and Somers. No like glory attaches to the men whose doings now come before us, not because they were worse than their predecessors, but because their position called for no such heroism and offered them no such career.

Physical characteristics of Virginia.

In considering the physical character of the country and its influence on the inhabitants, one or two features stand out plain and obvious. Virginia is pre-eminently a land of rivers, a land which everywhere lends itself to water carriage. The coast itself is so indented with deep creeks that the sea-board is multiplied by something like five times the direct distance between its northern and its southern point. The whole country is so intersected with rivers and tributary streams navigable by small craft, that it would be difficult to find a place within fifty miles of the coast without the means of water carriage at six or seven miles' distance. The natural result was that one of the chief motives for holding together was lost. The very wealth of navigable rivers was injurious to navigation. No ports or shipping stations sprang up, when every planter had a landing stage close to his own door. Nor was there anything in the nature of the soil or climate, or in the temper of the savage occupants, to forbid unlimited extension. The soil, indeed, invited it. The sea-coast, along which the settlers might most naturally have concentrated themselves, was fertile, but swampy and in many places malarious. Farther inland, the undulating ground and the alternation of woodland and rich greensward seemed to rival the most favored districts of England, while the abundance of game and the exuberant fertility of the soil favored that free sylvan life which has ever had a charm for Englishmen. The relations with the Indians, too, though never after the early days of

the colony cordial, and at times actively hostile, were seldom such as to force the settlers into union and cohesion.

This tendency to spread over the land was confirmed by the dissolution of the Company. The policy of that body had done something to prevent the whole settlement from passing into the hands of large planters and to encourage a class of small proprietors, who would in time have been driven by the need of mutual dependence to form compact settlements. Under the Company there were two classes of landholders. There were the large planters, who held grants of land proportioned to their contributions, both of money and of emigrants, and who, though amenable to the jurisdiction of the Company, administered their estates in their own fashion. Side by side with these there was a class, ultimately intended, as it would seem, to develop into *métayer* tenants. These were the servants of the Company, who, in return for their labors on the public land, received an allotment for themselves, and in course of time, by working out their period of service, became landholders, paying a rent either in produce or labor for the benefit of the common treasury. After the extinction of the Company no formal change seems to have been introduced in the tenure of land. As before, fifty acres were granted to every free emigrant who went out at his own cost, with fifty more for every person whom he transported. For the first seven years all quit rents were remitted, and the only condition imposed was that out of every fifty acres thus occupied, three should be cultivated within the year.[1] Moreover, large quantities of land had been cleared and cultivated and afterwards forsaken by the Indians;[2] and thus another check which in new countries usually limits the accumulation of large estates was removed.

System of land tenure.

There was nothing in this system necessarily to prevent the growth of a free yeomanry. Practically, however, such a class needed something more than sufferance. Without encouragement they could not come into existence, and that encouragement was no longer given. A community of small proprietors can only exist where they are closely grouped together, with facilities

[1] *Beverley*, p. 241. The remission for the first seven years is expressly stated in the instructions given to Lord Culpepper, Governor of Virginia in 1681, *Col. Entry Bk.*, No. lxxxii. p. 43.

[2] This is stated in a pamphlet called *Virginia Richly and Truly Valued.* By Edward Williams, London, 1650. This work, which contains many interesting details as to the material condition of the colony, is published in Force, vol. iii.

for mutual defense and for the interchange of commodities. The climate, soil and natural conditions of Virginia, and the tastes of her landed aristocracy, forbade the growth of such communities, and the large planters became in course of time almost the exclusive holders of land. By what steps or in what time the smaller yeomanry were absorbed and disappeared is uncertain. Just as in earlier English history the free socage tenant often surrendered that position and voluntarily took a dependent place in the feudal chain, so we may believe that in Virginia the small holder would find his position untenable, and seek security and society where alone it could be had, on the plantation of his richer neighbor.

James had already announced his intention of remodeling the government of Virginia and placing the colony under the immediate control of the crown.[1] His death nine months after the dissolution of the Company prevented any steps towards the fulfillment of this design. The colony had no reason to regret the change of sovereign. With all Charles's faults, he had a certain kingliness of temper and some dignity of aim and purpose which raised him far above the despicable pedant whom he succeeded. Bigot, autocrat, dissembler though he was, he did not lack a sense of his duties towards his subjects, and was above sacrificing their interests to enrich men whom it was a crime to endure. If James had lived, the little wealth which could be wrung out of Virginia would probably have gone to reward the vile services of some court favorite, while the task of constructing an elaborate constitution for the colony might have served to vary the ignoble pleasures of a meddlesome pedant. The Virginia colonists never crossed Charles either in his ecclesiastical or civil policy, and as a consequence his dealings with them were marked, not indeed by unswerving fairness or conspicuous wisdom, but on the whole by equity, moderation, and good sense.

Relations of the colony to the crown.

One of the first results of the change of sovereign was an attempt on the part of the Company to recover its privileges. Within a month of the king's death the members of the late Company addressed a memorial to the Privy Council, recounting all the services which the Company had done to the colony, and petitioning that the proceedings of the late commission should be made null and a fresh patent granted with

Attempt to restore the Company.

[1] Order of Council, 1623, Oct. 8. Stith, p. 293.

the same conditions as the old charter. In short, they asked for a complete restitution of their former privileges.[1]

If any formal answer was given to the memorial it is no longer to be found. A practical answer, however, was given by a royal proclamation issued on the 13th of May.[2] This may be looked on as the formal declaration of the new constitution. It appointed as before two Councils, one resident in England, the other in Virginia. Nothing was said of an Assembly or any form of popular representation. Yet no design ever seems to have been entertained of abrogating it, nor do the colonists seem to have felt any serious fear on that head. The most objectionable part of the new constitution was that it made all public servants dependent on the crown, and thus deprived the colonists of any control over the public expenditures or over the good conduct of officials. Herein lay the seed of an abuse which ever tended to embitter the relations between the colonists and the home government, and which had its share in bringing about the final separation.

For the present, however, the colonists had more immediate and pressing subjects of alarm. The dissolution of the Company and its struggle for revival had begotten a feeling of insecurity. The planters also knew that a scheme had been lately on foot for granting a monopoly of tobacco, and they felt that anything which interfered with that one sure source of income would be fatal to the well-being of the colony. The massacre, too, though its immediate results had been comparatively slight, had driven the settlers to adopt a sudden change of life and to concentrate themselves for purposes of defense. Neglected tillage, scarcity of corn, famine and sickness were the consequences. The evil days of Percy and Ratcliffe seemed to have returned. Many took fright and left the colony.[3] Fortunately there were a few men at the head of affairs who did not lose heart. The Governor, Sir Francis Wyatt, and certain leading members of the Council, among them Hamor, West, Clayborne, and Mathews, all either already conspicuous in Virginian history or destined soon to become so, addressed a series of memorials to the home government, pointing out the measures which were needful for the security and advancement of the colony.[4] They dwelt on the importance of encouraging other forms

Distressed state of the colony.

[1] *Colonial Papers*, 1625. [2] *Ib.*, 1625, May 13. [3] *Ib.*, 1625, June 15.
[4] These memorials are all to be found in the *Colonial Papers* for 1626 and 1627.

of industry beside tobacco planting, and mentioned especially those which had been attempted by the Company, iron-works and silk-culture. They showed the necessity for taking vigorous measures against the Indians, and for forming more compact settlements, both for industrial and for military reasons. They specially pointed out the necessity of making the colony a desirable habitation, and giving the settlers a lasting interest in its well-being, instead of allowing them to regard it merely as a temporary resort for trading purposes. They petitioned strongly against all attempts to fetter the tobacco trade of the colony by any monopoly or contract. On the last named, and as it would seem in their opinion, the most important point, they were successful, and we hear of no further attempt to enrich any favored monopolist at the expense of the Virginian tobacco planter. In other matters they were less fortunate. After the temporary panic of the massacre had passed away, the settlers returned to their straggling mode of life. Tobacco still continued to be the staple production, and as might be expected in a land of boundless fertility, no attempt was made to establish manufactures. But though their special recommendations bore little fruit, it is scarcely possible to overrate the value of the courage and energy which the leading men of the colony displayed in this crisis. The occasion was one on which the whole future of the colony depended. A lack of spirit now would probably have been fatal to the rising fortunes of the settlement. Whatever may have been the number of those who were leaving the colony, it is clear that a feeling of despondency was abroad, and the action of Wyatt and his supporters must have served to inspire the colonists with that hopeful and self-reliant temper which was needed to surmount their difficulties.

Improved condition of the colony.

The crisis passed over. The Indians ceased to be a source of pressing fear, and the colony no longer seemed in danger either of extinction or desertion. If it be true that happy is the country which has no history, the next ten years may be reckoned prosperous ones for Virginia. The change of Governors seems to have had no marked influence on the fortunes of the colony. In 1626 Wyatt was succeeded by Yeardley. Though apparently a man of no great wisdom or vigor, his name was honorably associated with the early days of freedom and self-government. That he commanded the confidence alike of Wyatt and the leading settlers, is shown by the

fact that he had been elected as a deputy to lay their views before the English government immediately after the dissolution of the Company.[1] In 1627 Yeardley died, and in the following year Harvey became Governor. His Virginian career was neither a prosperous nor an honorable one. His letters, of which many remain, and the references to him in contemporary documents give us ample material for judging of his character. They present him to us as a weak, commonplace man, with no strongly marked features, either of good or evil; not without shrewdness in perceiving what was for the welfare of the colony, but with a yet quicker eye to his own interest; arbitrary to inferiors, yet an obsequious courtier, and with that lack of political morality which, save for a few honorable exceptions, distinguished the court party in that age. At an earlier day such a ruler might have been fatal to the colony. Happily Virginia had outgrown the stage in which she could be made or marred by the vigor or folly of a single man.

Dealings with the Indians.

In the even flow of events during the ten years which followed the dissolution of the Company, two subjects of interest and importance stand out prominent.

The first of these was the relation of the colony to its savage neighbors. When the troubles which followed the massacre were at an end, we hear of no disturbance for a while. This may be in part due to the fact that the leading men were too fully occupied with the dissolution of the Company and its consequences to trouble themselves about anything which did not threaten immediate danger. In 1632 it was necessary to pass an Act empowering the colonies to defend themselves in urgent cases, without reference either to the legislative or the executive power.[2] In the same year another Act reaffirmed the policy of Dale, and forbade all private trade with the savages.[3] Two years later this enactment was reaffirmed at greater length, and with specific penalties.[4]

Throughout the whole of her history, with a few rare and unimportant exceptions, the policy of Virginia towards the Indians was marked with singular wisdom and justice, and might well serve as an ensample to more highly-educated communities. The rights of the natives were respected, while at the same time there never was any lack of firmness in restraining and punishing their misdeeds. Throughout, the colonists aimed, and for the

[1] *Colonial Papers*, 1625, June 15. [2] Hening, i. p. 176. [3] *Ib.*, p. 173. [4] *Ib.*, p. 219.

most part successfully, at avoiding all occasions for conflict, whether proceeding from the ambitious and rapacious policy of the state, from the unjust aggression of individuals, or from ill-judging benevolence. No lesson is more plainly written in history than this, that all close intercourse between a highly-civilized race and a thoroughly barbarous one is almost sure to end in the oppression of one and the demoralization of both. To have as few dealings as possible, and be sure that these dealings are based on principles of justice, is the only wise policy for a civilized race, and this was throughout the policy of Virginia.

Legislation about tobacco culture.

The other question which exercised the wisdom of the Virginian legislature was the production and exportation of tobacco. We have already seen how this threatened to absorb the entire energies of the colonists, and to interfere with all other forms of industry, and how anxiously those who wished well to the colony had viewed this danger. The cause of the mischief, in truth, lay too deep for legislation to reach it. If the supply of land had been limited, the need for a change of crops and the dread of exhausting the soil would of itself have restrained the production of tobacco. But the boundless extent of fertile territory, and the easy terms on which it might be acquired, allowed the planter to rack out his ground with tobacco, and then to proceed to virgin soil, leaving that which was exhausted to recover itself. Moreover, though the Virginian laborer was not a slave for life, he was one for the time being; and slave labor is far better fitted for the monotonous task of producing a single crop than for a varied husbandry, which, especially in a new country, requires some skill and versatility. Nor were there any districts which, by enjoying special facilities for carriage, tended to put less favored plantations at a disadvantage. Every planter had equal opportunities of water carriage, and thus what might have been a natural and wholesome check on the production of tobacco was absent. It was but reasonable that this staple product should have been looked upon with some distrust. We know now that tobacco, though not strictly a necessary of life, is one of those articles whose consumption may be looked on as certain and permanent. In the seventeenth century men could hardly be blamed if they regarded the use of tobacco as a precarious fashion. It was felt too, and with reason, that it was dangerous for Virginia to depend for the necessities of life on her import trade, and on the fickle good-will of her savage neighbors.

The doctrine that each country should produce what it is best fitted for, and that the inhabitants may be trusted to discover that for themselves, is a thoroughly sound doctrine as applied to settled communities, where both capital and enterprise are abundant; but it does not apply to a new country where forms of industry, which may in time become profitable, or needful to the independence of the community, must often at the outset be guarded and nursed into life.

There were other reasons, too, political rather than economical, which made it specially dangerous for the colonists to build their prosperity on this one product. The Virginian tobacco trade might almost be said to exist by sufferance. If the planter was to have a profitable market in England, he must be in some measure protected against his Spanish rival, and the English grower must be wholly excluded. Thus the colonial tobacco trade depended both on the favor of the court and on the foreign policy of the home government. There was, too, the danger, and, as the last reign had shown, a very real danger, of being sacrificed to some greedy monopolist, or being loaded with an excessive duty to replenish the royal exchequer. Accordingly, it was in no spirit of undue interference or protection that the legislature of Virginia made constant efforts to limit the production of tobacco, and to urge the colonists to other forms of industry.

As early as 1619 Yeardley had endeavored to check this evil by proclamation. In 1623 it had become an established custom among the planters to make their contracts and to keep their accounts in tobacco instead of money.[1] Owing to the fluctuations in value this was found inconvenient, and in 1633 a law was passed enforcing cash payment.[2] Notwithstanding this attempt, the lack of specie brought society back to a system of barter, and tobacco became ultimately the recognized currency of Virginia. Other attempts were made, as we have seen, to limit tobacco-planting by establishing rival industries, and producing cotton, silk, and iron. Whatever promise of success might have attached to these attempts was overthrown by the dissolution of the Company. Not long after that event, direct measures were taken to restrain the planting of tobacco. In

[1] In the proceedings of 1623 (Hening, vol. i. p. 122), all contracts and dues are estimated in tobacco instead of money.

[2] Hening, vol. i. p. 216.

1629 an Act was passed by which new-comers were forbidden to grow this crop at all, while every planter was definitely limited to two thousand plants, a restriction which was not to be evaded by growing slips or a second crop.[1] To enforce this inspectors were appointed, and delinquents were debarred from further cultivation. This system of limitation, however, was not considered wholly satisfactory. Owing to differences of soil two thousand plants did not represent the same amount of produce in every locality. Moreover, the planter was tempted to increase his quantity by growing too many leaves on each plant or by cultivating inferior sorts, and thus to lower the general character of Virginian tobacco.[2] In spite of these complaints we may suppose that the system was found on the whole successful, inasmuch as it was carried still further four years later by an enactment limiting each planter to fifteen hundred plants.[3] At the same time the cultivation of certain inferior sorts was altogether prohibited. These provisions were enforced by the establishment of a system of inspection with seven public warehouses.[4] The effect of this must have been to drive the occupants of certain inferior soils out of the market altogether, to the temporary injury of individuals, but to the ultimate gain of the community. These were not the only legislative restrictions imposed on the tobacco-grower. The statesmen of the seventeenth century were for the most part still in bondage to the idea that prices must be artificially restricted by law. In 1631 the Virginian legislature, acting on this principle, fixed sixpence a pound as the price of tobacco.[5] Two years later, when the whole question of the tobacco laws was reopened, the price was raised to ninepence.[6] In 1639 a still further limitation was introduced, and it was resolved to copy the policy of the Dutch spice-growers and to enhance the value of the crop by destroying half of it.[7] We may suppose that the settlers were satisfied with the result of this legislation, as the question was now suffered to slumber for twenty-three years.

Not for a long while do we find any trace of party politics, or of anything like systematic opposition to government. But without these the Virginian colonists showed that they had no lack of independence or of that spirit by which the political life of a young state is fashioned and animated. As is usually the case in a newly-formed community,

Disputes between Governor Harvey and the settlers.

[1] Hening, vol. i. p. 141. [2] *Ib.*, vol. i. pp. 164, 188. [3] *Ib.*, p. 205.
[4] *Ib.*, p. 210. [5] *Ib.*, p. 162. [6] *Ib.*, p. 210. [7] *Ib.*, p. 225.

the earliest disputes turned on personal issues. I have already spoken of the character of Harvey, a character which made it likely that he would before long find himself embroiled with the settlers. At the very outset of his career he came into conflict with a leading planter, Dr. John Pott. During the interregnum between Yeardley's departure and Harvey's arrival, Pott had been elected by the council to act as Deputy-Governor. Immediately on Harvey's landing Pott was charged with various crimes. The chief of them was having pardoned a murderer, apparently for a corrupt motive. Besides this official misconduct, he was accused of having stolen other men's hogs and cattle. The petty scale of colonial politics is quaintly illustrated by the fact that he was the only physician who understood the diseases peculiar to the colony. Accordingly after a protracted dispute he was released, mainly, it would seem, in consideration of his utility.[1]

A dispute of this kind was an unfavorable opening to Harvey's career. A far more serious conflict, however, was at hand. In October, 1629, during the Deputy-Governorship of Pott, George Calvert, Lord Baltimore, had made an attempt to settle in Virginia. He and his followers, as being Papists, refused to take the oaths of allegiance and supremacy, and were accordingly not allowed to stay in the colony.[2] In the next year Lord Baltimore died and was succeeded by his son Cecilius. He obtained from Charles a grant of territory forming the colony of Maryland. The whole question of this grant, of the American career of the two Calverts, and of their disputes with Virginia, will come before us more fully hereafter. For the present we may confine ourselves to that side of the question which touches the history of Virginia. The territory granted to Calvert, though it did not encroach upon that actually inhabited by the Virginians, included a portion of that which lay within the bounds of the original Virginian patent. This difficulty is only the first of a whole series that we shall meet with, having their origin in the reckless profusion and disregard of geographical accuracy with which territory in the New World was granted. This dispute, naturally enough, bred ill blood between Baltimore and the Virginians. We can easily see how this might be without moral blame attaching to either party. The Virginians had certainly no claim on the forbearance of Baltimore, and without imputing to him a

[1] For this dispute with Pott see *Colonial Papers*, 1630, May 29 and July 16.
[2] *Colonial Papers*, 1629, November 30.

specially vindictive temper, we may suppose that he would feel some satisfaction in maintaining his legal rights at the expense of the men who had banished his father from among them. The king and those who sympathized with Baltimore might reasonably feel that a tract of fertile land had better be in the hands of an active and intelligent colonizer than be kept empty by an unemployed claim. On the other hand, the Virginians might well think that their right was a moral as well as a legal one. They might reasonably dislike the prospect of a colony on their borders differing from them in religion and wholly independent of them in politics, commerce, industry, and, above all, in dealings with the savages. Accordingly, in order, as it would seem, to be in a better position to assert their territorial rights, the Virginian Assembly sent a surveyor, William Clayborne, to take possession of a part of the disputed territory, the Isle of Kent, to which they claimed a title, not only by royal grant, but by purchase from the Indians.[1] The hostilities to which this measure led will be best treated of in the history of Maryland, since they are intimately connected with that State. For the present it is enough to consider them as they bore on the relations of Harvey and the Virginians. That Harvey should have sympathized with Baltimore was but natural. The Governor was openly and avowedly a courtier, and Baltimore was acting under the special favor and approval of the court. What was the precise nature and extent of Harvey's services to the Maryland settlers does not appear. At least they were such as to earn the special thanks of the king, with a request that he would continue his assistance against Clayborne.[2] What seemed to the king and Privy Council good and loyal service, was in the eyes of the Virginians, treachery to the colony. So far from showing any sympathy with Baltimore, the members of the Council openly denounced him and his plantation at their meetings, and declared that they would rather knock their cattle on the head than sell them into Maryland.[3] There were other circumstances which imbittered the Virginians against their Governor. A certain Captain Young had been sent to Virginia by the king on an errand of which it is impossible to discover the nature.[4] The colonists probably looked with suspicion

[1] *Colonial Papers*, 1634, March 14.

[2] Letters from Baltimore to Secretary Windebank, and from Windebank to Harvey, *Colonial Papers*, 1634, September 15 and 18.

[3] Harvey to Windebank, *Colonial Papers*, 1634, December 16.

[4] The original commission to Young (*Colonial Papers*, 1633, September 23) empowers him to discover places not yet inhabited in Virginia and other parts of America.

on this somewhat mysterious emissary. Whatever his object was, it led him to build two shallops in Virginia before resuming his voyage. One of the leading colonists, Mathews, who seems to have been a somewhat hot-headed man, unfriendly to the Governor and suspicious of royal interference in any form, accused Young of having illegally impressed a ship's carpenter.[1] In the quarrel which ensued, Harvey took the part of Young.[2] Nothing came of the matter, but the episode illustrates the relations between the Governor and the settlers, and probably had its share in imbittering the dispute which followed. Another charge brought against Harvey was that he had asserted his own right as the representative of the crown to put his veto on the proceedings of the Assembly.[3]

Insurrection against Harvey.[4]

In April, 1635, the ill feeling against the Governor came openly to a head. A meeting of the Council was held, at which the popular party, under Mathews, seems to have come prepared for hostilities, if, at least, it be true that the leaders were armed, and that they had forty musketeers in readiness. Harvey seems to have opened the attack by threatening to arrest Minifie, in reality one of the least decided of his opponents, for high treason, on the ground of some language which he had used on a previous occasion. Mathews thereupon retorted the charge of treason; at a signal from one of the ring-leaders, the musketeers marched up, and Harvey was arrested and sent off to England, apparently in honorable confinement.

We can hardly suppose that the insurgents really expected the English government to support them against Harvey. If the attack upon him was anything more than an outburst of passion, it must have been meant to intimidate Harvey, possibly to deter

[1] Young's own version of the story is told in a statement signed by him and three witnesses, who profess to have been present at the dispute. *Colonial Papers*, 1634, July 10.

[2] Windebank to Harvey, *Colonial Papers*, 1635, May 22.

[3] Letter from Mathews to Sir John Wolstenholme (*Colonial Papers*, 1635, May 25). According to this, Harvey told the council that "they were to give their attendance as assistants only to advise with him which it liked should pass, otherwise the power lay in himself to dispose of all matters as his Majesty's substitute."

[4] Our knowledge of the deposition of Harvey is derived: 1. From a letter from Zouch, a colonist, to his father, Sir John Zouch. This letter was kindly shown to me by Mr. Sainsbury. By some accident it was omitted from his calendar. 2. A letter from Kemp, the Secretary for Virginia, to the Lords Commissioners for Plantations, *Colonial Papers*, 1635, May 17. 3. A letter from Mathews to Sir John Wolstenholme, *Colonial Papers*, 1635, May 25. 4. Harvey's own statements in a letter to Windebank, and in his formal declaration to the Commissioners. (*Colonial Papers*, 1635, April 3, July 14, and July.)

We have no formal statement of the case against Harvey, but no doubt the letters of Zouch and Mathews practically embody all that could be said against him.

him from returning to the colony, and to act as a warning to future governors. In the first part of this design the settlers failed. Harvey returned after a year, supported, though in no very enthusiastic fashion, by the home government.[1] For four years longer he remained Governor of the colony, sending home querulous and petulant accounts of his grievances, but not engaged in any open dispute with the settlers.

We find but scanty traces of the proceedings of the government against the insurgents. After a delay of nearly five years, four of the chief offenders were sent home to be tried before the Star Chamber. There is no definite record of the result, but it seems probable that they suffered nothing beyond the annoyance of a compulsory journey to England, and a temporary detention there.[2] The most prominent of them, Mathews, was acting as agent for the colony in England in 1653,[3] and continued for many years to play a prominent and influential part in Virginian politics.

Appointment of special Commissioners for the colonies.[4]

During this struggle the system of colonial government had undergone an alteration. Hitherto the colonies had been under the direct control of the crown. Now, without any relaxation in the authority of the crown, a change was introduced. Twelve Commissioners were appointed for the government of the colonies, with power to appoint and remove officials, to hear complaints and to supervise all charters and patents. Amongst the Commissioners were the two Archbishops, the Lord Keeper, and the Lord Treasurer. Practically the change was of little moment to Virginia. Yet it is important as marking the beginning of a system continued under the Commonwealth, and further developed at the Restoration, by which the colonies were constituted a distinct and separate department of the state organization.

Soon after the dispute with Harvey the political tranquillity of the colony was disturbed by another cause. More than once since the dissolution of the Company, there had been faint rumors

[1] We may infer this, I think, from the leniency shown to his enemies.

[2] An order from the Privy Council to the Governor and Council of Virginia (*Colonial Papers*, 1637, May 25) requires them to take effectual order that the goods of the prisoners (West, Mathews, Utie, and Peirce) should be left under the charge of those to whom they had been entrusted by the owners, and that anything which had been seized should be returned.

[3] His name appears at the head of a list of signatures to a petition of merchants, trading to Virginia and other plantations. (*Colonial Papers*, 1653, May 28.)

[4] *Colonial Papers*, 1634, April 28.

of an attempt to restore it. At one time, indeed, this seemed in a fair way to be carried out. In 1631 a special commission, appointed to report on the condition and government of Virginia, gave their opinion in favor of re-incorporating the Company.[1] The settlers at once took fright. There is nothing inconsistent in their support of the Company against the attacks of James and their hostility to its renewal. Rather they proceeded from the same cause, from a dread of the confusion and uncertainty with which each change threatened the colony. Security of title was absolutely essential to the prosperity of the young community, and who could tell what claims might be revived if the Company again came into existence? Moreover, the restoration of the Company would almost inevitably involve some interference with that political freedom and that self-government which now seemed to have taken firm root in the colony. We need not wonder if the settlers, in their anxiety to meet the danger, were somewhat regardless of consistency, and departed from that point of view concerning the utility and good administration of the Company which they had upheld a few years earlier. That they did so is certain, if we are justified in attributing to them a memorial pointing out the evils which would result from the change.[2] This document reminded the king how the old corporation had used its meetings as "private conventicles," in which to debate the affairs of state, and to criticise the policy of the court. With more justice it pointed out the unfairness of making such a change without consulting the Governor and the leading settlers, and appealed to the prosperity which the colony enjoyed as the best plea for the present system. Finally, it sought to enlist the self-interest of the king, by reminding him of the loss of future emoluments which he would undergo by making over the quit-rents of Virginia to the Company. In spite of these arguments a charter seems actually to have been drafted and accepted by the members of the old Company, and an instruction was given to the Attorney-General that in all grants of territory he should respect their rights.[3] Here, however, the matter seems to have abruptly ended, and for seven years no further step was taken towards calling the Company into existence.

Attempt to restore the Company.

In 1639, however, the colonists became again apprehensive of such an attempt. To meet it they sent an agent to England with

[1] *Colonial Papers*, 1631, November. [2] *Ib.* [3] *Ib.*, 1632, March 4.

instructions to oppose the threatened change. Their choice fell on George Sandys, a brother of that Sir Edwin Sandys whose courageous and self-sacrificing efforts on behalf of the colony have been already recorded. The choice seems a strange, and proved an unhappy one. Sandys, as might be supposed, was an ally and friend of Ferrar, and all his interests were naturally identified with those of the old Company. We may suppose that he was a man of somewhat elastic sympathies, since in 1631 we find him petitioning the king to appoint him secretary to a committee of the Privy Council who were to settle the affairs of Virginia.[2] It seems somewhat strange that the Assembly should have chosen for its representative a man whose earliest associations connected him with that very corporation which it was now their object to withstand, and whose latter conduct showed, to say the least of it, a somewhat supple and courtier-like spirit. Possibly, it was that very fact which led them to select him as likely to be acceptable to the king. Whatever were the motives for the choice, it proved a bad one. The charge subsequently brought against Sandys was, as it stands recorded, hardly credible. We are told that in unblushing defiance of his instructions and the wishes of his clients, he petitioned the king in the name of the Virginia planters for the restoration of the Company. There may perhaps have been in the colony a minority who held such a view, though no other trace of their existence appears. But it is at least certain that Sandys could make no pretense to represent the opinions of the majority of the Assembly.

Sandys's agency and its consequences.[1]

As soon as the Assembly heard of their agent's treachery, they at once took measures to counteract it. A declaration was drawn up and carried, disclaiming Sandys's conduct, and stating that he had misunderstood his instructions. It furthermore set forth all the old arguments against the Company; the interference with free trade and individual enterprise which the restoration of it would cause; the unfitness of a commercial corporation to govern a distant colony, and the confusion which would result from the removal of old titles. Finally, it enacted that any person who should hereafter propose either the restora-

Proceedings of the Assembly.

[1] The whole of this strange transaction is related in a pamphlet published in Force, vol. ii. It is entitled *An Extract from a Manuscript Collection of Annals relative to Virginia.* It seems to have been originally printed at the time of the Stamp Act dispute to stimulate the feeling of independence.

[2] *Colonial Papers*, 1631.

tion of the Company or the establishment of any monopoly or contract, should be reckoned a public enemy and his estates forfeited. This remonstrance was forwarded to the king. At the same time a document containing the substance of the remonstrance was circulated through the colony.[1] The address was favorably received by the king, and was answered by him in a letter stating, that while before he had no intention of restoring the Company, he was now even more confirmed in that view by the representations of the Virginian government.[2]

The whole proceeding may be looked upon as indicating the amount of importance and independence which the colonial government had been silently and gradually acquiring. It was fortunate, too, that the first measure of self-assertion was one which, instead of bringing the settlers into conflict with the authority of the crown, rather declared and confirmed their acceptance of it, and that thus any struggle with the home government was deferred till the growing energies and resources of the colony could better bear such a strain.

General view of the condition of the colony.

We may now fitly pause and review the progress which the colony had made in the period during which it had enjoyed so large a share of independence and self-government. In a colony, increase of population is at once a cause and a test of prosperity, and if we measure the condition of Virginia by this, we can have little doubt of its flourishing condition. Fortunately the number of inhabitants at certain tolerably regular intervals is precisely recorded, and the uniformity of the progress raises a strong presumption of the accuracy of the statements. By 1628 the loss caused by the massacre, and still more by the subsequent confusion and panic, had not been replaced, and the population was under three thousand.[3] The next two years showed no great increase.[4] Four years later the tide had turned. One year alone brought more than a thousand new-comers,[5] and by 1635 an official census returned close upon five thousand inhabitants.[6] In the spring of the same year, we find Mathews stating that two thousand immigrants had arrived in that year, and this influx was followed by sixteen hundred in

[1] These two documents are published in Hening, vol. i. p. 230. They are taken from a collection of manuscripts belonging to Thomas Jefferson. It is not unlikely that the account published by Force came from the same quarter.

[2] *Colonial Entry Book*, No. lxxix. p. 237.

[3] *Colonial Papers*, 1628, March 26.

[4] *Ib.*, 1629, August, 1630, May 29.

[5] *Ib.*, 1634, February 8.

[6] *Ib.*, 1635, April.

the next.[1] There is, however, a significant remark in a letter from Richard Kemp, the Secretary to the Council, which would seem to show that this increase did not really prove a proportionate advance in prosperity. Writing in 1638, he states that of hundreds who arrive every year, scarcely any come but those "who are brought in as merchandise to make sale of."[2] In other words, the bulk of the immigrants were not free settlers, contributing by their presence to the political life of the community, but either pardoned criminals, paupers, or victims to kidnappers, who were sold to the planters and held in a state of temporary serfdom. Thus nothing was done to create and foster a class of small proprietors, intermediate between the large planter and the hired servants or bondsmen, who filled the place of field laborers. To what extent this class of serfs was supplied by the transportation of criminals is uncertain. One thing, however, must be remembered. Transportation to the plantations generally seems to have been regarded as a mitigation of punishment, and to have been awarded to those who were condemned to death, but thought deserving of leniency, or to political offenders.[3] Thus we may believe that Virginia was not, as sometimes represented, peopled from the worst class of criminals. Moreover, it was not in the same case as our later penal settlements. The criminals were a mere fragmentary element in Virginian society; they were not a class sharply marked off, and they were doubtless readily absorbed into the poor and unfortunate, but not necessarily criminal, population, with which the Virginia labor market was supplied. Their status seems to have been formally determined by a law passed in 1643, enacting that all servants imported without any indenture or special covenant should serve for periods varying from four to seven years, according to their age, and then be free.[4]

But though the serf became free he did not as a rule become

[1] *Colonial Papers*, 1635, May 25, 1636, March 28. [2] *Ib.*, 1638, April 6.

[3] Thus we find Elizabeth Cotterell, a prisoner in the Marshalsea, petitioning to be transported to Virginia. *Colonial Papers*, 1638, August 6. Again a letter from Lord Russell to Clement Edwards, February 7, 1619, petitions that a person convicted of highway robbery may be sent to Virginia as a commutation of his sentence. *Domestic Papers.*

After the battle of Worcester, we find the Council of State issuing an order that the prisoners desired for Virginia, to the number of 1,610, be granted to certain persons (probably Virginian planters or merchants), upon giving assurance of good treatment. *Colonial Papers*, 1651, September 10.

So, too, we find the Council of State giving a license to Richard Nethersole to transport a hundred Irish Tories to Virginia. *Colonial Papers*, 1653, September 24.

[4] Hening, vol. i. p. 257.

independent. Causes already mentioned tended to keep him dependent on his richer neighbor, and by preventing the growth of yeomanry or peasant proprietors, to throw the control of the colony into the hands of the great planters. At a later period we shall see how the system of serfdom died out before a riva. form of labor, destined in its turn to saddle the colony with far greater evils.

The territory occupied by the colonists, with the exception of one outlying settlement, was that between the York, or, as it was then called, the Charles, River, and the James River. The plantations, of which by 1633 there were twenty important enough to return representatives, seem to have extended about seventy miles inland, and to have been chiefly situated along the James River, which formed the southern boundary.[1] Besides these there was an outlying settlement on that peninsula which runs down from the northern arm of Chesapeake Bay to form Cape Charles, and which was afterwards divided into the counties of Accomac and Northampton. At that time the whole peninsula seems to have borne the name of Accomac, and to have been occupied by nearly a thousand settlers. There may also have been outlying settlements beyond the two boundary rivers, but if so, they were probably more of the nature of trading or hunting stations, and hardly to be reckoned as part of the settled territory.

Territorial limits.

A marked and significant change is now to be found in the temper with which the colonists regarded their adopted country. Virginia was no longer looked on as a mere trading station where a lucky adventurer might make a fortune which he could return to enjoy in England. Men began to find that what lately had been regarded as a dreary wilderness fit only for paupers and criminals, might become an endurable and even a delightful abode.

Prosperity and contentment of the settlers.

The building of brick and stone houses was a slight but significant sign of the change of feeling.[2] So far from the colony being regarded as a place of unwelcome banishment, we are told that few who had once lived there ever wished to leave it.[3] The same feeling may be traced in the descriptions of the colony and of colonial life addressed to people in England. Advocates of

1 See the returns of members in Hening, vol i. p. 202.

2 *Colonial Papers*, 1638, April 6.

3 *Leah and Rachel, or the Two Fruitful Sisters, Virginia and Maryland.* By John Hammond. London, 1656. Published by Force, vol. iii. p. 12.

emigration no longer endeavor to allure their readers by grand prospects of rivaling Spain either in the conversion of the heathen or in the discovery of gold. We feel that the romantic era of colonization, with its wild hopes and ambitions, is over. Nor do the eulogists of Virginia dwell exclusively or even mainly on the value of the country as a commercial outpost and appendage to England, or as a refuge for those to whom the Old World was but a harsh stepmother. They begin now, in what we may call the true spirit of colonial enthusiasm, to describe the manifold delights of Virginian life. Nature here gave freely those good things which in the Old World could only be wrung from her by hard toil. The labor of a single man could in a year produce two hundred and fifty bushels of maize.[1] Wheat yielded from thirty to fifty fold, maize from a hundred to three hundred fold, and the latter was ready to gather three months after sowing.[2] The prevalence of wolves made sheep-farming difficult, but horned cattle and swine needed no care and were ready for the butcher when driven out of the woods.[3] The country was in every way fitted for that out-door life which was naturally dear to Englishmen. The woods swarmed with deer, and wild fowl were so plentiful that twenty, we are told, might be killed at a shot.[4] Wild turkeys grew to fifty pounds weight. The rivers swarmed with fish, of which five thousand had been taken at a single draught, none less than two feet long.[5] If we are to believe these writers, the colony rejoiced in an Arcadian virtue and simplicity of manners. Houses were left open all night and clothes suffered to hang on hedges in perfect safety. A brotherly and social spirit prevailed. If a man was sick his neighbors would see that his crops took no hurt.[6] Travelers were entertained in private houses, and inns were unknown.[7] These accounts may be somewhat colored, but we can hardly doubt that the abundance of all things needful for life left but little temptation to crime. Nor were the praises of Virginian writers limited to the material advantages of the country. They tell us of the beauty

[1] *A True Relation of Virginia and Maryland.* By Nathaniel Shrigley. London, 1669. Force, vol. iii. p. 5.

[2] *Virginia Richly and Truly Valued*, p. 12.

[3] Shrigley, p. 5.

[4] Beverley, p. 134.

[5] *Virginia Richly and Truly Valued*, pp. 12, 21.

[6] *Leah and Rachel*, pp. 16, 19.

[7] *Ib.*, p. 15. *Norwood's Voyage to Virginia*, Force, vol. iii. p. 48. Yet it is clear that this was not literally true at Jamestown, as we shall see that the political influence of Nathaniel Bacon was strengthened by his marriage with a rich widow who kept a tavern.

of scenes which "the melancholyest eye in the world could not look upon without contentment or content himself without admiration," and where "purling streams and wanton rivers everywhere turned the happy soil into perpetual verdure and into an unwearied fertility."[1] Such descriptions are the best proof that the miseries of early colonial life and the struggles against the difficulties of the wilderness were at an end. Men who are in hourly dread of savage foes and wild beasts, dependent on the uncertain resources of the forest, and threatened by the hardships of an unknown climate and untried modes of life, have little leisure or inclination to meditate on the charms of nature which surround them. Obvious, too, and somewhat commonplace though this enthusiasm may seem, it is full of deep interest. It is the first indication that Englishmen were beginning to feel a real love for their new homes beyond the Atlantic; it is the dawning of American patriotism.

Exportation of food.

More definite and substantial evidence of increased prosperity is to be found in the systematic exportation of corn from Virginia to the struggling settlements of New England. In 1634 Harvey tells his friends in England that no less than ten thousand bushels had been shipped away, and that Virginia had become "the granary of all his Majesty's northern colonies."[2] Thirteen years later the Assembly deemed it necessary in a time of scarcity to check the exportation by special enactment.[3] We have already seen, too, that the Marylanders hoped to supply themselves with cattle by importing from Virginia.[4] A community which can export the necessaries of life has already surmounted the early struggles and hardships of a newly-settled country.

Modification of the above view.

We must not, however, be led away into supposing that all this good fortune was wholly without alloy. There were, it must be remembered, two influences at work helping to color these early accounts of Virginian prosperity. So far as they are taken from contemporary reports, written just when the first difficulties and depressions of colonial life had been overcome, they were in a measure tinged with that exultation and that slight shade of boastfulness which almost always accompanies the well-being of a young country. Most of the writers, too, had

---

1 *Virginia Richly and Truly Valued*, pp. 11, 27.
2 *Colonial Papers*, 1634, July 13.
3 Hening, i. 347.
4 See p. 196.

a practical end to serve in holding out highly-colored views to allure immigrants. Later reports are equally prone to be distorted, though by different feelings. When the dullness and pettiness of colonial life began to weigh upon Virginia, when, too, it first felt a share in the evils of settled countries without enjoying their good things, then men began to look back and to create, or at least embellish, traditions of primitive simplicity and happiness. The soundest of all contemporary testimony, the statute-book, reveals one or two weak points in the social system of Virginia which the panegyrists whom I have quoted ignore or deny. They tell us that the prosperous little community lived in such peace and brotherly love as to need no professional lawyers. An Act passed in 1645,[1] specially directed against "unskilful and covetous attorneys," tells a different tale. Laws against hunting on the estates of other men show that the abundance of land did not save the colony from some of the evils of less favored countries.[2] A petition for leave to emigrate, the framers of which complain of the "mean produce of their labours upon barren and over-wrought grounds," is a proof that the supply of fertile land was not actually unlimited.[3] The records also show that the prosperity of the community did not enable it to dispense with imprisonment for debt.[4] All this, however, proves little against the general well-being of the colony. The helpless and improvident will be found everywhere, and we cannot doubt that Virginia was a country in which a prosperous and happy life awaited all who were willing and able to toil for it.

This increase of prosperity brought a new evil in its train. Hitherto, whatever troubles might have threatened the little community—internal strife, court displeasure, thriftlessness, famine, or war—one at least was unknown. Virginia offered no temptation to hungry placemen, such as those whom the rule of the Stuarts had turned loose upon the mother country. Now we have indications of this danger, slight, it is true, yet foreshadowing the evils of the next century, when the public service of the American colonies was crowded with broken spendthrifts and corrupt adventurers.

Placemen.

We have already seen the suspicion with which the Virginians viewed the arrival of Captain Young, sent on a mysterious errand by the king. Sandys too seems to have sought Virginia in the

[1] Hening, vol. i. p. 302.
[2] *Ib.*, vol. i. pp. 228, 248, 437; ii. p. 96.
[3] *Ib.*, vol. i. p. 353.
[4] *Ib.*, vol. i. p. 453.

spirit of a thorough placeman, ready for employment alike under the crown, the Company, or the Assembly. So also we find petitions addressed by Richard Kemp to the crown, at first reminding the king of his claims to the office of Secretary in Virginia, and then when these had been successful, dwelling on the curtailment of his official gains.[1] Nor was this confined to the civil service. One would suppose that a country whose warfare was limited to repelling occasional raids by the Indians, might have been safely left to the defense of her own militia. Yet we find a petition addressed to the king asking for the high-sounding offices of Marshal and of Muster Master-General in Virginia.[2] It is clear, too, that the presence of these military adventurers was attended with danger to the colony beyond that of mere expense. In 1631 one Donne refers to his own appointment to both the above-mentioned offices, and also to his services as the agent employed by Harvey to prosecute certain seditious persons.[3] The immediate mischief might be slight, but the matter is of interest as the first symptom of an abuse which had no small share in bringing about the final breach between the colonies and the mother country.

In 1639 Harvey was succeeded by Wyatt. His instructions are no longer extant, but they seem to have been identical with those afterwards given to Berkeley.[4] Wyatt's period of office was uneventful, and the records of the time throw no light on his personal character or his policy. Indeed, there is no man who fills an equally prominent place in early Virginian history of whom we know so little.

Sir Francis Wyatt, Governor.

That assuredly cannot be said of his successor. The robust figure of Sir William Berkeley, narrow of mind, hot of temper, and frank of speech, stands out in his letters and actions as clearly as any of those which live for us in the pages of Clarendon. Of his antecedents we know little, but later events show him to have been a Cavalier of the school of Digby and Astley, rather than of Hyde and Falkland. His own letters present him to us as a rough, out-spoken man, with no lack of plain sense, and with a squire-like contempt for all forms of book-learning. In his later days he appears as little better than a merciless and rapacious tyrant, but it is both charitable and

Sir William Berkeley.

---

[1] *Colonial Papers*, 1634, September, 1638, February 20.

[2] *Ib.*, 1631, August. [3] *Ib.*, 1640, August.

[4] A minute in a *Colonial Entry Book* states that they were the same. This, however, may not mean identical in detail, but only in general substance.

reasonable to believe that his vices were called out by the changeful fortunes of those stirring times, by the sufferings of his party and its revengeful triumph, in each of which he had a share. For the present he seems to have been politically in union with a large and influential party in Virginia, while his personal qualities, if they did not make him universally popular, at least saved him from the hatred of his opponents.

His instructions.[1]

The instructions with which he was sent out are interesting from more than one point of view. The dangers which were threatening the crown made it expedient to enumerate formally certain principles which had hitherto been secured only by usage. The imposition of the oath of allegiance, and the provision for the establishment of public worship according to Anglican usage, were little more than formal repetitions of accepted principles, and were probably quite in harmony with the views of most of the settlers. There was practically nothing new in the order by which the appointment of the minor public officers was formally vested in the Governor, while the crown retained its right of nominating the higher officials. But at least one important constitutional change was introduced. Councilors were to be exempted from all taxes save those for the support of the Church, and special imposts for public buildings and purposes of war. That this exemption included ten of the servants of each councilor is an incidental proof of the patriarchal establishments of the large planters. This enactment, by exempting one branch of the legislature from taxation, must inevitably have detached its financial interests from those of the community, and diminished the motive for frugality. We cannot doubt that this was at once a symptom and a cause of that separation of the community into an oligarchical and a popular party, of which we have still clearer evidence at a later date, and it is important to observe that the former seems thus early to have enjoyed the support and favor of the crown. Save in this one point, the instructions to Berkeley were, like most of Charles I.'s dealings with Virginia, moderate and politic, free alike from the meddlesome interference of his father and the profusion and rapacity of Charles II. and his creatures. The new Governor was instructed to encourage the growth of hemp, vines, and other commodities, and to regulate the production of tobacco. The

[1] These instructions are in the *Colonial Entry Book*, lxxix. p. 219–30. A full epitome of them is given by Mr. Sainsbury, p. 321.

intercourse between the colonists and the crews of merchant ships was to be under the control of the Governor. Trade with the savages was only to be allowed under special license, and the obligation to build a house was reimposed on the holders of land. By a wise regulation new-comers were exempted from certain taxes. The increase of trade was recognized in the establishment of quarterly courts for the trial of civil suits, as well as minor courts for suits where the matter at issue did not exceed ten pounds in value. These courts were also empowered to try petty offenses.

The arrival of the new Governor was marked by a great public calamity. During fifty years of peace the settlers had forgotten the massacre, and the savages had forgotten the vengeance which followed. But one at least of the Indians looked back with regret to the days when no white intruder had ever set foot on the realms of Powhatan. Opechancanough was now in title, as he had been before in reality, the supreme ruler, and his hatred of the English had been only waiting for a fit opportunity. His bodily strength had passed away, but the Indian could reverence chiefs whose authority rested solely on strength of mind and will. The outbreak of the war between the king and the Parliament, among its other remote and indirect results, furnished Opechancanough with the chance for which he had long hoped. Rumors found their way amid the Indian villages that the invaders were at strife among themselves, and one savage had actually seen two English ships in combat off Jamestown. Such calculations show how much intimacy there was between the two races, and how much of cool statecraft entered into the revengeful temper of the savage. In 1644 the first blow was struck. It fell on an unsuspecting people, and before an attempt at resistance could be made three hundred of the settlers had perished. Then it would seem the courage of the assailants suddenly failed them. No better proof can be found of the increased stability of the settlement than the trifling effect produced by what thirty years before would have been regarded as an almost fatal blow. No contemporary writer has thought it worth while to preserve the details of the second massacre, and it left no

Another Indian massacre.[1]

[1] The materials for an account of this war are but scanty. A good deal may be learned from the statutes in Hening. There is an incidental reference to it in the contemporary journal of Winthrop, the New England statesman. The submission of Necottowance is described in a pamphlet in Force, vol. ii., entitled *A Perfect Description of Virginia*, by Richard Wodenoth. London 1649.

abiding trace on the social and industrial life of the colony. At first the task of defense and revenge was left to be carried out by the hastily-raised militia of the districts specially threatened, and the war consisted of a series of border skirmishes. But in the spring of 1646 it became evident that unless hostilities were to drag on, and to imperil the security and well-being of the colony, more decisive measures must be taken. A force of sixty men was raised at public expense, and a fort was built to cut off the Indians from their fisheries. It is worth noting that the number of men to be raised, their pay, and the special manner of their employment, were all left to the Assembly, a strong illustration of the popular character of the colonial government.

In the same year the war was ended by the capture of Opechancanough. Though we have no definite contemporary authority, we may safely accept colonial tradition as evidence for the fact of his death soon after. The details of his end are uncertain. According to one story, Berkeley brought him to Jamestown and exhibited him in triumph to the citizens, an insult which only extorted from the captive king the high-minded reproach that he would have treated his enemy far differently had their fates been reversed.[1] The Governor, it is added, would have sent Opechancanough as a prisoner to England if the Indian had not perished by the brutality of one of the soldiers who captured him. One cannot help suspecting that tradition may have done something to color this story and to give a fittingly dramatic end to the great enemy of the English, the last formidable representative of the house of Powhatan.

Death of Opechancanough.

His death ended the war. His successor, Necottowance, at once came to terms, and a solemn treaty was drawn up and signed. The opening article pledging the English to uphold the Indian king against all rebels, raises a suspicion that the Virginian government were adopting what has been so often our policy in India, and setting up a creature of their own whose authority had to be supported from without. The treaty went on to mark out the frontier, and established a system of badges as passports. Indian children of twelve years old were exempted from this condition, otherwise all persons of either race who crossed the frontier without a badge did so at the risk of their lives. In the following March, Necottowance with five of his chief men came in to Jamestown and made a solemn profes-

Submission of his successor.

[1] Beverley, p. 50.

sion of loyalty. For thirty years there was almost uninterrupted peace between the two races, and when an Indian war did again break out, it was mainly dangerous from its effect on the internal politics of the colony.

CHAPTER VIII.

VIRGINIA UNDER THE COMMONWEALTH.[1]

The ascendency of the Commonwealth opens a new era in colonial history, and that in a twofold manner. In the first place, it marked the beginning of a definite colonial policy. Hitherto the colonies, actual or projected, had been dealt with on no fixed and distinct principles. Their fortunes had been left to the enterprise, the benevolence, or the rapacity of individual citizens, to the wisdom or folly of the sovereign. By the Navigation Act the Long Parliament first practically asserted and acted on the doctrine that the colonies formed a connected whole, a member of the body politic, to be dealt with on certain fixed principles and for the benefit of the entire community. In this matter the Long Parliament was more fortunate than in many others. Much of its legislation was but an unfulfilled anticipation of distant reforms, only to be achieved after many generations had passed away. In dealing with the colonies it established principles which held good till the hour of their separation.

The colonial policy of the Commonwealth.

Moreover, the relations of Virginia to the Long Parliament mark a change within the colony itself. At an earlier period the conflict of parties in England would have had no more effect on the plantation by James River than it would on the factories at Bantam or Surat. The struggle of king and Parliament might have interested the Virginian tobacco-growers as it would interest any other English citizens. There might be amongst them both Royalists and Puritans, and so far the conflict might call out corresponding divisions. But these

Attitude of Virginia towards parties in England.

[1] The materials for this portion of Virginian history are somewhat scanty. Our knowledge of it is chiefly derived from Hening's Collection, with occasional help from the State Papers and from Beverley.

divisions would have only concerned themselves indirectly with Virginian politics. It marks a distinct stage in the political growth of Virginia that each of the combatants in England should have found allies in the colony ready to be marshaled against one another, and separated by questions and principles which concerned the government of Virginia, but which nevertheless bore some likeness to those which divided the two great parties in England.

Some historians have indeed taken a different view of the situation. They tell us that the triumph of the Commonwealth and the triumph of the restored Monarchy were both of them events of little importance to the Virginians. The colony, they tell us, acquiesced placidly in each change. According to them, the completeness of each was due to the total indifference of the colonists. Various grave objections to this view at once suggest themselves. Were the Virginians, who had shown so bold a front when their liberties were threatened by Harvey, who had resisted so promptly and strenuously the attempt to restore the Company, and who had upheld their territorial rights against the encroachments of the court favorite, Lord Baltimore, were these men likely to be handed backwards and forwards from one government to another like a flock of sheep, without any wish or feeling in the matter?

It is indeed impossible to look at the facts of the case and not feel assured of the existence of two opposite parties in the colony. Berkeley's popularity, the hopes which the king's party built on Virginia, the fact that many of the defeated Cavaliers found a refuge there, and the ease with which the Restoration was effected, all prove incontestably the existence of a Royalist party.

On the other hand, a few years later, Berkeley found men ready to withstand him to the death on behalf of popular rights, and the instances just mentioned, the dealings of the colonists with Harvey and Baltimore, show that the leaders of the Virginia Company, Sandys and Southampton, had bequeathed a full share of their spirit to the colony which they founded. The whole early history of Virginia loses its meaning and coherence, unless we believe in the existence of two parties, whose antecedents and interests led them to side, the one with the crown, the other with the Parliament. The easy and bloodless character of each change is explained if we suppose that there was an intermediate body comparatively indifferent to the struggle of parties in England,

anxious only to save Virginia from spoliation and bloodshed, and for that end willing to throw in their lot with the side whose success held out the speediest hopes of peace. There is, too, another consideration which helps to explain the moderation of the combatants. In England each party was exasperated by grievous wrongs, and hence its hour of triumph was also its hour of revenge. The struggle in Virginia was imbittered by no such rec ollections. In the conduct of their rulers the Virginians had nothing worse to complain of than the paltry misdoings of Harvey. The civil tyranny of Strafford, the ecclesiastical tyranny of Laud, the truculent folly of Digby, the vacillation and duplicity of the king, were unknown to them, or known only as faint and distant rumors. The complaints against Harvey and Baltimore, the slight inequalities in the condition of the Councilors, though enough to keep alive a spirit of resistance, were trivial indeed compared with the misdeeds of the Star Chamber and the grievance of ship-money. On the other hand, the Virginian Royalists had not in their day of victory to avenge the plunder and desecration of the Church, the ruin of manor-houses, the stern repression of all that makes social life bright and cheerful. Accordingly, the establishment of the Commonwealth and the restoration of the crown were each effected, not merely without bloodshed, but almost without violence. Each resembled a change of ministry rather than a revolution. Yet a change of ministry is not necessarily the less important because it is effected without danger to the life and estate of a single citizen, and the triumph of the Parliament and the restoration of Charles II. each left an abiding impress on the institutions and history of Virginia.

There was yet another feature of the case which tended to diminish the bitterness of the contest. The issue was almost exclusively political; religion had little or no share in the dispute. The leaders of the Virginia Company mostly, though not wholly, belonged to that party which was equally opposed to Rome and to Geneva. The colony had retained the character impressed on it by its founders. In some respects, indeed, the Virginians had adopted usages which we are apt to regard as peculiar to Puritanism. Both religion and morality were strictly protected by penal enactments. Under an Act passed in 1623 and renewed six years later, absence from divine service was punished by a fine of a hogshead of tobacco, and if the offender persisted for a whole month the fine was in-

Absence of any religious contest.

creased to fifty pounds. At the same time the magistrates were ordered to see that the Sabbath day was not profaned by any employments, or journeying from place to place.[1]

Independent congregations in Virginia.[2]

But this Puritan legislation implied no sympathy with Nonconformity. This was quickly seen when an Independent congregation attempted to set foot in the colony. The history of the first Nonconformist emigrants in Virginia is obscure. But it is certain that by 1642 they had become sufficiently important to form the principal, if not the entire, population of three parishes. The Virginian clergy, as may be well believed, could not supply the new-comers with the ministrations they desired. Some of their leading men were already connected with the now prosperous colony of Massachusetts. Boston was the intellectual centre of American Puritanism, and thither the Virginians turned for help. Their petition was laid before a town meeting at Boston, and three ministers were sent to them. The Virginian legislature was at once up in arms against this inroad of dissent. In 1642 the Assembly had passed a law binding the church-wardens to prosecute various offenders against ecclesiastical discipline, including those who "contemn God's holy sacrament."[3] In 1644 this was followed by a more direct attack. A law was passed forbidding any person to officiate in a church within the colony who did not conform to the Book of Common Prayer.[4] The measure answered its end. For a while the Nonconformists resisted, but to no purpose. Some of them were fined, and the three ministers banished. At length they abandoned the colony in despair and took refuge in Maryland, there to find toleration either from the wisdom or the indifference of a Romanist proprietor.[5]

Before entering upon the history of the coming struggle it will

---

[1] Hening, vol. i. p. 144.

[2] Our knowledge of these independent settlers in Virginia is mainly derived from New England sources. We have two contemporary authorities, the journal of John Winthrop, one of the founders of Massachusetts and sometime governor of that colony, and the *Wonder-working Providence of Sion's Saviour*, by Edward Johnson, published in 1659. Johnson's account of the Puritan settlement is the fullest. Both writers consider the massacre of the Virginians by the Indians in 1644 a judgment for their treatment of the Puritans. Winthrop calls Berkeley "Sir Robert," an inaccuracy which curiously illustrates the want of connection between the two colonies.

[3] Hening, vol. i. p. 240.

[4] *Ib.*, p. 277.

[5] Johnson says that they moved "many hundred miles up the country." He also mentions one "Mr. Duren" as a leading man among them. This probably was that George Durant who figured afterwards among the early settlers in Carolina, and as one of Bacon's supporters. It is possible that some of these exiled Puritans helped to form those outlying settlements which were the nucleus of North Carolina.

be well to analyze the constitution of the colony, and to examine the relations of its component parts one to another.

Distribution of power in the Virginian constitution.

The Virginian constitution was an imitation, partly, we may believe, deliberate, partly, we cannot doubt, unconscious, of that of the mother country. The doctrine that constitutions are not made but grow, is a dangerous one, if it be used to justify familiar abuses, or to discourage the struggles of a young community striving to shape for itself free institutions. But it is an undoubted truth, if it means that certain political principles and customs have become by generations of usage as familiar to Englishmen as the language they speak, and as easily and unconsciously acquired. To the Virginian colonists the difficulty would have lain, not in copying the institutions of England, but in deviating from them. Thus the Virginian constitution, like its prototype, was in its nature illogical and a compromise. The functions of the different members of the system were not clearly marked off, but, as in England, overlapped. The efficient working of the constitution presupposed a certain harmony which was nowhere formally expressed. The want of this harmony might at any time bring things to a deadlock.

Roughly speaking, the division of powers between the three members of the body politic corresponded with that of the English constitution. Practically, we may say that the powers enjoyed by the crown in England were in Virginia shared between the crown and its representative, the Governor. The crown appointed the executive, and in part the judiciary, and had a right of veto on legislation. The Governor appointed certain minor judicial officials, and issued military commissions.[1] He also, assisted by his Council, granted land, thus maintaining the English doctrine that the primary possession of the soil was vested in the sovereign.[2] At the same time the Assembly, on more than one occasion, claimed and exercised the right to deal with uninhabited territory when the safety of the community made the manner of its occupation a matter of special importance.[3]

At what precise period the Governor acquired a veto independent of that possessed by the crown is uncertain. It is first definitely mentioned in Berkeley's instructions, but it there appears as an established usage, not a fresh claim. On the other

[1] Berkeley's instructions. *Colonial Papers*, 1641.
[2] Beverley, pp. 204, 240.
[3] Hening, vol. i. p. 291.

hand, the manner in which Harvey asserted this right would rather lead one to believe that it had not been formally conferred in his commission or instructions.[1] It is not impossible that his disputes with the Assembly may have taught the crown the necessity of claiming this right for its representative.

The judicial power was vested in the Governor and Council, and was discharged partly in person, partly by unpaid magistrates appointed by the Governor. These magistrates were called Commissioners of County Courts.[2] The extent and mode of their jurisdiction was more than once changed by special enactments. At first they sat monthly to try small civil cases, in which there was a right of appeal to the Governor and Council.[3] In 1642 their sittings were reduced to six in the year, and their power increased by an enactment which allowed a single commissioner to deal with cases of less than twenty shillings value, and to inflict imprisonment in case of non-payment.[4] Three years later their jurisdiction was extended to all civil trials, where both parties consented. In all save trifling cases the decision of the county court might be overruled by the Governor and Council on appeal, and all matters which did not come under the jurisdiction of these commissioners were tried by the Governor and Council as the supreme court of the colony.[5]

The Council, as we have seen, was appointed by the crown. Practically, the appointment must have lain, in a great measure, with the Governor, as being the channel through which the crown would derive nearly all its knowledge of the internal politics of the colony and of the temper of individuals. Thus the Council was but a feeble and imperfect check on the Governor on behalf of the crown, while it was no check at all on behalf of the Commons.

In addition to the legislative and judicial functions of the Council and its duty of advising the Governor, each member of it held a colonel's commission. Moreover, an Act passed in 1640 confirmed the exemption from taxes which Berkeley's instructions had already granted to the Councilors. This confirmation of a royal mandate may be looked on in one way as an act of submission, in another as an assertion of the co-ordinate power of the legislature.

---

[1] See p. 197.

[2] These county courts were first established in March 1624. Hening, vol. i. p. 125. The presiding officers were first called Commissioners in 1631. *Ib.*, p. 168.

[3] Hening, vol. i. p. 168. [4] *Ib.*, p. 272. [5] *Ib.*, p. 303.

The few remaining public officials, including the Secretary were appointed by the crown, and, as with the Council, the Governor's advice must have carried weight in the selection.

Thus we see that the judiciary and executive were entirely appointed by the crown or its representative. There only remained the power of legislation and the imposition of taxes The former power was shared with the Council and controlled by the royal veto. The veto, it must be remembered, was not, as in England at this day, an obsolete weapon, the use of which, though formally permissible, would be in real truth a step towards revolution. As we shall see from the case of other colonies, the application of the veto to colonial legislation would in no way have offended the political ideas of the day, nor, as far as we can judge, have been deemed a grievance by the colonists unless harshly exercised. Practically there is no trace of the employment of the veto by Charles I., though the imperfect state of the records makes it unsafe to assume that it never was so used.

The division of legislative power between the Council and Burgesses did not correspond to that which now subsists between the two English Houses of Parliament. Following the precedent of earlier times, and the system adopted by the Scotch Parliament, Councilors and Burgesses sat together and voted as one chamber.[1] It is clear that such an arrangement is to the advantage of the more united body, which, by voting compactly, can often convert a minority of the other order into a majority of the whole. Nor can there be much doubt that a small body appointed by the crown would in general be more united than one which owed its existence to the variable and fluctuating choice of the electors.

The one remaining power was that of taxation, and on this point the Commons of Virginia made a clear and explicit claim. As early as 1623 the Assembly passed an enactment claiming for itself the exclusive right of imposing taxes.[2] So determined was the Assembly in asserting this principle, that the enactment in which it was set forth was confirmed in almost the same words in 1631, 1632, and 1642.[3] In fact it was manifestly regarded as in some sort a charter of colonial liberty. Such an Act cannot be looked on as constitutionally binding, since no expression of will or intention by one portion of the legislature can deprive the sovereign

[1] Beverley, p. 205.
[2] Hening, vol. i. p. 124.
[3] *Ib.*, vol. i. pp. 171, 196, 244.

power, wherever vested, of the right to override such a declaration by subsequent legislation. The value of such an Act is independent of, or antecedent to, the constitution. It is a declaration by the main part of the community of what the constitution ought to be. It furnishes a definite ground on which that part of the community may join issue with the rest, if the rights which it claims are invaded. In choosing this question as their political battle-ground the colonists were guided by a happy instinct. It is scarcely needful to quote Burke's memorable words when at a later day the freedom not only of Virginia, but of all her sister colonies, was threatened. He reminded the English Parliament, that "The great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. . . . On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered."[1] The colonists in claiming the right of taxation were, perhaps unconsciously, identifying their cause with that of the great English champions of liberty, with Pym and Hampden; they were laying a foundation for the work of Henry and Washington.

The above is not an exhaustive account of the early constitutional history of Virginia. Other questions there were of importance, notably the limits of the franchise and the length of time during which Assemblies sat. These, however, had not as yet given rise to any dispute, and it will be best to deal with them when they come into prominence as landmarks in the history of the colony. For the present it is enough to say that every freeman had a vote, while the imperfect state of the early records leaves us ignorant as to the duration of Assemblies. The above summary is enough to show that Virginia enjoyed a constitution closely corresponding in its outward form with that of the mother country, but differing from it in one or two important points. The attitude of the Burgesses to the crown answered nearly to that of the House of Commons in England. The Burgesses claimed the control of the purse, and thus exercised the same power which the English Commons possessed, before the Revolution of 1688 and its consequences had given them a practical veto on the choice of ministers. The main point of difference lay in the relations between the two Houses, or, as we should more fitly call them, the two orders.

How far like the English constitution: analogies and differences.

[1] Burke's speech on American Taxation. See his Works, ed. 1826, vol. iii. p. 50.

The Virginian Council answered to the House of Lords in functions and position, but not in formation. In one feature indeed the constitution of the Virginian Council resembled that of the English House of Peers. It was an oligarchy, not exclusively hereditary but constantly recruited from the Commons, and as constantly throwing out offshoots to be absorbed into that body. Such a system is a preventive of many of the worst evils of an aristocracy. It hinders the formation of a caste, separated from the rest of the community by special and exclusive privileges. The mutual opposition of the two classes is thus necessarily softened. No peer can wish for the total and permanent depression of an order to which his own descendants will belong. A commoner can scarcely look without some favor on privileges which may one day be, to himself or his descendants, the highest reward of political ambition.

But, while the English House of Lords is thus saved from many of the defects of an hereditary aristocracy, the partially hereditary character of it is a defense against other evils. It can never become the creature of the crown; it can never be wholly identified with one party in the state, or with one set of principles. In Virginia this was different. There the aristocracy owed its existence to the favor of the king. Moreover, as we have seen, the members of it enjoyed as such substantial pecuniary advantages, and retained among themselves most of the chief state offices. Thus we have in the colony an aristocracy of wealth dependent on the crown and almost coinciding with the executive. On the other hand, the commonalty was in some respects in a better position than in England. The more extended suffrage and the shorter period during which the representative body sat, gave the Commons a more immediate and more efficacious means of making its wants and opinions felt. In another respect, too, the Virginian House of Burgesses was more powerful than an English House of Commons. The Virginian Burgesses possessed the same check on the Governor and the Council which had enabled the English House of Commons to defy a Plantagenet or a Lancastrian king. Not only did they claim the control of the purse, but, what was far more important, they enjoyed the control of the sword. Charles I. had made faint efforts, seconded by Harvey and Berkeley, to establish a regular army. But practically the population of Virginia was, like the population of England in the fourteenth and fifteenth centuries, a ready-made militia,

trained in habits of backwoods warfare, and hardened by a primitive mode of life. Here then we have the materials for a conflict between two sections of the community, each with an organization, with principles, and with interests of its own, and each ready to ally itself with one of the two great parties marshaled against one another in England.

When the demands of the Parliament and the mingled stubbornness and duplicity of the king had made war inevitable, it at first seemed as though the aristocratic influence in Virginia would outweigh that of the Commons and as though the colony would throw in its lot with the crown. The government of Harvey, and still more that of Berkeley, had served to favor the growth of royalist principles among the upper classes. The whole patronage of the colony was in the hands of the king and of his representative the Governor, and we may be sure that neither Harvey nor his successor omitted to use that patronage for strengthening his own influence and that of the crown.

Position of the Virginian Royalists.

In England most men seem to have believed that Virginia was a stronghold of the royalists.[1] Accordingly it was soon made the object for special precautions. In 1649 the Parliament established a Board of Commissioners for the control of the colonies, with the Earl of Warwick at its head.[2] This was little more than a continuation of the existing system, inasmuch as ever since 1634 the government of the plantations had been entrusted to a special commission, subject of course to the immediate control of the crown.[3] In asserting its authority over them the Parliament was merely discharging one portion of that sovereignty of which it claimed the whole. The first measure taken by Parliament in dealing with the colonies was to mark off Virginia, together with Barbadoes and Maryland, as objects of suspicion. An ordinance was passed forbidding any one to trade with these three colonies without a license from Parliament.[4] We need not look upon this as a deliberate act of commercial policy, but rather as a special measure of police. Yet at the same time it was important as in some degree asserting the principle that the commerce of the colonies was a legitimate object for parliamentary control.

Dealings of Parliament with Virginia.

---

1 "More was expected from Virginia, which was the most ancient plantation, and so was thought to be better provided to defend itself and to be better affected."—*Clarendon*, ed. 1706, book xiii. p. 466.

2 Hazard's collection, i. 533. 3 See p. 198. 4 Hazard, i. 637.

The conduct of the Virginians must have confirmed the apprehensions of the Parliament. In October, 1649, immediately after the execution of the king, the Assembly passed an act declaring that all commissions derived from the crown were still valid, and that to justify the recent proceedings of Parliament was to be *post factum* accessory to treason. Whoever should "go about by unreverent or scandalous words or language to blast the memory and honour of the late most pious king (deserving of altars and monuments in the hearts of all good men)," should be punished at the discretion of the Governor and Council. To question Charles II.'s right of succession, or to propose a change of Government, was made high treason.[1] The Parliament was not backward in meeting this threatened resistance. Two ships were sent out under the command of Dennis to subdue the malignant colony. Of the details of the contest we know little more than the one fact that the Virginian royalists yielded at once, without a blow struck. The story goes that Dennis while at sea craftily got possession of a quantity of goods belonging to leading Virginians, and used them as hostages wherewith to enforce submission.[2] This, if true, is a strong illustration of what the whole affair amply proves, the feeble and lukewarm nature of the royalist principles in Virginia.

Reduction of the colony.

The character of the surrender is in itself enough to show the mild nature of the struggle, and its freedom from rancor. Two agreements were made with the Commissioners: one by the Governor and Council, the other by the Burgesses. It is clear from the tone of these documents that the former body was openly and avowedly royalists, the latter faithful to the Parliament.

Terms of surrender.

The agreement with the Governor and Council was a total surrender on their part of all political status, with a careful reservation of the rights of person and property. A general indemnity was granted for all acts hitherto done against the Parliament, and a year of grace was allowed during which no engagement to the Parliament should be required from either the Governor or any member of the Council, and in which they might dispose of their goods and depart unmolested whither they pleased. Not only was security of person granted, but freedom of speech, since it was specially stipulated that the Governor and Council should not be censured for "speaking well" of the king, nor for praying for

[1] Hening, vol. i. p. 359.

[2] Beverley, p. 52.

him in private houses. Berkeley was even allowed to send at his own cost a messenger to the king to explain the circumstances of the surrender.

The agreement between the Commissioners and the Assembly was almost like a compact between equal powers. On the one hand the Assembly undertook to remain in due obedience to the Commonwealth of England. In return they stipulated for the following conditions:—1. That their submission was to be acknowledged as a voluntary act and not a conquest; 2. That they should enjoy such freedom and privileges as belong to the people of England; 3. That all territorial rights, both private and public, should be respected; that the extant system of land tenure should be continued; that no taxes should be laid, no forts or garrisons maintained without the consent of the Assembly; that the people of Virginia should have the same commercial rights towards foreign nations as those granted to English-born subjects, and that Virginia should enjoy as ample privileges as any other of the American plantations. Nor was the Assembly unmindful of the rights of the defeated party. It stipulated for terms similar to those granted to the Governor and Council, namely, an indemnity for all acts hitherto done against the Parliament, and a year of grace in which all adherents of the king might settle their affairs and leave the colony.[1]

The Burgesses and the Parliamentary Commissioners then held a joint sitting for the settlement of affairs. The result was practically a complete transfer of sovereignty to the representative body. To it was handed over the right of electing all officers, including the Governor, the Council, and the County Commissioners. At the same time, as a concession and an earnest of good-will, the Burgesses waived the right of election for the present occasion, and allowed the Parliamentary Commissioners to nominate a Governor and Secretary. Their choice fell on Bennet for the former, Clayborne for the latter, post. At the time the Assembly carefully declared that the present same election was not to prejudice the rights of any future Assembly.[2]

Increased power of the Assembly.

For the next ten years Virginia entered on a new phase of constitutional life. For four years the Assembly was elected annually; then, without any visible cause for the change, one sat for nearly three years. The Governor and

The Navigation Act.

[1] The three agreements are given in Hening, vol. i. p. 363.

[2] *Ib.*, p. 372.

Council were appointed by the Assembly, sometimes for one year, sometimes for two.[1] The political life of the colony seems to have flowed on tranquilly under the new system. The statute-books bear no trace of any change in the system or the principles of legislation. More important than the internal politics of the colony during these years was the legislation of the Parliament. To the Commonwealth England owes the establishment of that policy which for more than a century determined the relations between the mother country and her colonies. In 1651 Parliament passed a measure, re-enacted in an enlarged form after the Restoration, and then, as afterwards, known as the Navigation Act.[2] The one clause in the original Act which concerned the colonies was that which ordained that no goods should be carried thence in any but English vessels, and which thus excluded the colonists from the benefits of the foreign market and debarred them from developing a carrying trade of their own. In considering the Navigation Act we are liable to two errors. We should be wrong if we judged it either by the events of the eighteenth century, or by the political theories of the present day. The doctrine that the community is most benefited when its means of production are allowed the fullest and most spontaneous development, had but dawned on the speculative thinkers of the seventeenth century, and assuredly no reasonable man will find fault with practical statesmen for being in the rear of theory. Nor is it fair to blame the originators of the system embodied in this Act for the evil results which flowed from that system a hundred years later, when the social and industrial life of our colonies had undergone great changes. Yet even after these deductions we cannot set down the Navigation Act as a measure of undoubted expediency or unmixed wisdom. In subordinating the welfare of the colonies to the commercial prosperity and naval greatness of the mother country, the Long Parliament was in a second degree reverting to the principles of the sixteenth century. To make England the centre of a great naval empire was the idea ever present to the minds of Gilbert and Raleigh and their followers, and the colonization of America was mainly valued as a step towards that end. Under the Stuarts that ambition had given way before meaner views, and, like the foreign policy of Elizabeth, it revived under the sway of the Protector. But though

[1] The names are given in Hening.

[2] *Parliamentary History* (ed. 1808), iii. 1374.

the principle of the Navigation Act might be ambitious and elevated as it concerned the mother country, it was repressive and blighting in its effect on the colonies. In the middle of the seventeenth century, indeed, its influence was but slightly felt. It did not weigh down the industry of the colonies, because that industry scarcely existed, but it hindered the development of it. It condemned the plantations to be, commercially at least, little better than factories existing for the benefit of English trade. Nor were there wanting far-seeing advocates, who anticipated this evil and protested against it. One such remonstrance, written some twenty years later, is yet extant, and puts before us with singular force and clearness the indirect evils to be feared.[1] The author's mastery of sound economical principles is clearly shown by the manner in which he deals with the whole question of free trade. England, he says, excludes the Dutch from trading with the American colonies because English merchants are excluded from the Spice Islands. That is, because the Dutch put out one of their own eyes, we are to blind ourselves altogether. But his main argument is the injury inflicted on the future of the colonies. Without the stimulus of foreign commerce there will be neither an extended production nor any encouragement to the building of towns. The writer points out that the Dutch, having to buy their tobacco in English markets, with the added cost of double customs and double freight, will be driven to grow their own. It may be worse in quality, but Virginian tobacco is worse than Spanish, and yet its cheapness secures it almost a monopoly of the English market. In short, the policy of the Navigation Act was to sacrifice the future of the colonies to the enrichment of the English merchant. Happily, however, for the peaceful relations of the colonies to the mother country, such prescience was not general, and it was only at times of special depression that the restrictions on trade were felt to be oppressive.

In 1658 the tranquillity of the colony was disturbed by a grave constitutional dispute, the first which had marked the history of Virginia. The struggle between Harvey and the Assembly had been brought about by personal causes, by the failings of the Governor, perhaps in some measure by the failings of his opponents. The present conflict

Dispute between the Governor and the Burgesses.[2]

[1] This is a printed memorial published in 1676, entitled *The Humble Remonstrance of John Bland of London, Merchant, on the Behalf of the Inhabitants and Planters in Virginia and Maryland.* It is among the Colonial Papers.

[2] Our knowledge of these disputes is exclusively derived from Hening.

was brought about by one of those difficulties for which the constitution had made no provision. That the colony was in a state of agitation we know, though it seems impossible to discover the causes and the nature of the disturbance. A pamphlet published in 1657, of which nothing seemingly but the title survives, speaks of "the present sad state and condition of the English colony in Virginia."[1]

In 1655 a disfranchising Act had been passed limiting the right of voting to householders.[2] In the autumn of that year it was repealed by the very same Assembly which had passed it, on the ground that it was "something hard and unagreeable to reason that any person should pay equal taxes and yet have no votes in election."[3] Here, as elsewhere in Virginian history, we feel the lack of private letters and memoirs which might throw light on the spirit and temper which underlay the formal proceedings of parties.

In 1658 the struggle openly began. A fresh Assembly was elected which took upon itself the task of revising and consolidating the laws of the colony. The result of this was a set of Acts, one hundred and thirty in number, containing no new matter, but embodying all the legislation of previous Assemblies, and intended, like that legislation, not to be an independent code, but to supplement the laws of England according to the special needs of the colony.[4] When this task had been accomplished the Governor and Council formally dissolved the Assembly. This the Burgesses, whether rightly or not, considered as an infringement of their privileges. Whether this, as it was the ostensible, was also in reality the sole, cause of the contest which followed, is uncertain. But as the Governor and Council were themselves the nominees of the Burgesses, we can hardly suppose that the dispute turned on any definite division of parties, or that the combatants were Cavaliers and Roundheads respectively. If there was any cause for the quarrel beyond the special question at issue, it was probably of a personal character, or had originated accidentally on some point of procedure.

---

[1] The pamphlet is entitled *Public Good without Private Interest, or a Compendious Remonstrance of the Present Sad State and Condition of the English Colony in Virginia.* London, 1657, 4to. The title is given in Lownde's *Bibliographer's Manual.* I can nowhere find the pamphlet itself.

[2] Hening, vol. i. p. 412.

[3] *Ib.*, p. 403. By an accident, the proceedings of this Assembly are inserted out of their place in Hening, after those of November, 1655.

[4] *Ib.*, p. 433.

Although the Burgesses from the outset took up a resolute attitude of resistance, their policy at first was, or seemed to be, in some measure conciliatory. They proposed a resolution for the acceptance of the Governor and Council, to the effect that the House remain undissolved in order that a speedy period might be put to public affairs. The Council not unnaturally interpreted this as a conditional surrender, and replied that they would withdraw the order for dissolution, upon receiving a promise of the speedy conclusion of business. At the same time they proposed to refer the general constitutional question of the power of dissolution to the Lord Protector. From this it is clear that if the dispute was due to a revival of Royalist principles, those principles were to be found among the Burgesses, and that the change had not extended to the Governor and Council.

The Burgesses refused to accept this compromise. They appointed a committee to draw up a report in their own defense and to guard against any wavering within their own body. The committee also administered an oath to the Governor and Council pledging them to act in accordance with their consciences and the law of England. The Council appear to have acquiesced quietly in their defeat, and the Assembly dissolved itself, having established the perilous and somewhat contradictory doctrines of popular sovereignty with an unlimited tenure of power vested in the popular representatives of the Commons.

In March, 1659, another Assembly was elected, animated, as it would seem, by the same independent and overbearing temper. The first act of this body was to appoint the Council for life.[1] This looks like the desperate attempt of a party which might soon be in a minority to perpetuate, as far as it could, its threatened hold on power. The events of the last twelve months might well have convinced the Virginian Roundheads that their time was short. The succession of Richard Cromwell had been peacefully accepted. But by the spring of 1659 it was clear that the supremacy of the Commonwealth, so far as it rested on the hereditary claims of the second Lord Protector, was imperiled. By the summer the overthrow of Richard and the establishment of the Council of State were causing that revival of royalist hopes which led to the rising in Cheshire under Booth and Middleton. When the time came for the election of another Assembly, Monk was holding London,

Decline of the Commonwealth.

[1] Hening, vol. i. p. 517.

and Dublin had returned to its allegiance. The Virginian Royalists might not know how assured was the triumph of their cause, but we may be sure that they knew enough to inspire them with fresh hopes.

Berkeley appointed Governor.

The choice of representatives unluckily tells us but little. The majority of the names were new, but this proves nothing, as we find the same tendency to a complete change during the tranquil times of the Commonwealth. This is only natural in a community like Virginia, where the habits of the people make attendance at the seat of government both troublesome and costly, and where there is little in the career of a representative to stimulate political, social, or intellectual ambition. But whatever may have been its composition, the proceedings of this Assembly leave no doubt as to the temper in which it met. It clearly contemplated the probability of a restoration, while at the same time it approached the subject in a thoroughly cautious and temperate manner. This was well illustrated by its first measure. This provided that during the unsettled state of things in England, the supreme power of the colony should be vested in the Assembly, and that all Acts should issue in that name till some lawful authority should appear from England. The leanings of the Assembly towards the restoration of the monarchy were shown by its choice of Berkeley for Governor. At the same time it imposed on him three conditions, all manifestly intended to strengthen the hands of the Burgesses and to check any exercise of arbitrary authority by the Governor. These conditions bound the Governor to call an Assembly every two years or oftener, to choose a Secretary of State with the approval of the Assembly, and not to dissolve the Assembly without the consent of the Burgesses.[1]

To confirm the authority thus asserted, an Act was passed declaring all persons who should refuse to obey the Assembly public enemies, and threatening them with punishment as such.

After making these provisions for further peace and freedom, the Assembly proceeded with its ordinary administrative and legislative functions. The only noteworthy measure in these was a bill, formidably entitled an Act for the Annihilation of the Councilors, formally repealing the law by which the post of Councilor had lately been made a life appointment. Finally, the Assembly adjourned till October, leaving the Governor, however, at liberty to summon it earlier if necessary.

[1] For all these proceedings see Hening for 1659–60.

In October the Assembly again met and peaceably accepted the restored monarchy. Berkeley was formally described in the record of proceedings as "the king's Governor," while the day the late king's execution was declared a public fast, and that of the Restoration a day of rejoicing.

Apparently the solemn acceptance of the new order of things was the only purpose for which this Assembly met. It made no laws, and confined its business to passing orders analogous to the Private Acts of an English Parliament.

CHAPTER IX.

VIRGINIA AFTER THE RESTORATION.[1]

The overthrow of the royal authority had been achieved without bloodshed and, as it would seem, even without rancor, and the same moderation and tranquillity marked the Restoration. But though that event brought no definite and declared change in the condition of Virginia, yet it clearly marks an epoch in the relations of the mother country to this and the other dependencies. The restored monarchy carried on the policy of the Commonwealth in dealing with the colonies as a special department of the state. In 1662 a commission was issued to thirty-four members of the Privy Council constituting them a Council for Foreign Plantations. The nature and limits of their functions was distinctly laid down in their instructions. It was their duty to supervise the government of all the colonies, to acquaint themselves with their commercial and political condition, their revenue and means of defense. They were as far as might be to combine the whole body of colonies into an organized whole, dependent on the mother country and contributing to her wealth. For this purpose they were to make special inquiry as to the government of dependencies by other nations. The due execution of the Navigation Act and the supply of servile labor

Change of system.

[1] Our material now for the first time becomes embarrassing from its very abundance. After the Restoration, letters from leading Virginians to public men in England are far more frequent than before, and these, together with pamphlets, official reports, and instructions to governors, furnish us with ample means of judging of the general condition of the colony. As we approach the revolution of 1688, Beverley's *History of Virginia* begins to be valuable. The author was a rich Virginian planter. His father emigrated before 1676, and took a prominent, and not always creditable, part in the troubles of that year. Accordingly, the son's statements probably represent, if not his own experiences, at least the oral tradition of eye-witnesses. The authorities for Bacon's rebellion deserve a special note. I should mention that, examining the papers for this period, I have been much indebted to Mr. Sainsbury for kindly allowing me the use of his MS. calendar, now in process of publication.

to the colonial market were both to form subjects of attention, while the latter was to be so arranged as to relieve England of its surplus population. Nor was the internal welfare of the plantations themselves, and their religious and moral discipline, to be overlooked.

Fresh interest in colonization.

The temper of the age gave a quickening spirit to these forms. Historians have hardly done justice to that outburst of energy and activity which marked the colonial history of the years immediately following the Restoration. We shall see it fully displayed at a later stage of our subject in the revived spirit of colonial enterprise which founded Carolina, Pennsylvania, and New Jersey, and which, by the conquest of New York, gave England a continuous Atlantic seaboard. In the older colonies, too, the results of this spirit could be plainly traced. In New England it led to an amount of interference and to a state of ill-feeling which well-nigh rent asunder the colonies from the mother country, and might have anticipated in a narrow and imperfect form, the achievement of American independence. In Virginia, as in the West Indies, we trace the new system in the almost constant supervision of colonial affairs by the authorities at home. Everything of importance in the colony is reported, examined, and commented upon by the Council. And it must be said in justice to those under whose control the colonies fell, that this supervision was for the most part intelligent, and that the colonists were not abandoned, as at a later day, to the greed of place-hunters or the caprice of factions. There are few bright spots in the government of Charles II., but the historian of the colonies may at least be thankful that he has to deal only with its better aspects.

Berkeley's instructions.

The instructions sent out to Berkeley in the following year (the Restoration) show no definite change in the system of colonial administration.[1] At the same time there is a detailed precision about them which proves that henceforth the English government would exercise a more minute supervision, and that the Virginians would no longer enjoy that amount of self-government which had hitherto been permitted to them. Berkeley is specially instructed to send home an annual report, and henceforth we have a mass of continuous official correspondence, which furnishes ample material for the history of the colony. The most noteworthy point in Berkeley's instructions

[1] *Colonial Entry Book*, No. lxxix. p. 265.

was an injunction to maintain Divine worship, according to the forms of the Church of England, to keep churches in good repair, and to add to their number.

The old difficulties come up again. Towns are to be built on the various rivers, and plantation of tobacco is to be limited, in such manner as may seem best to the colonists. New industries, the production of iron, flax, hemp, and pitch, are to be encouraged.

It is clear that the Civil War had left few scars behind it. The Act of Indemnity is extended to the colony with the same specific exceptions as in England, and all Acts of the Assembly passed during the time of the Commonwealth are to be repealed. This was done, but nearly all the Acts of substantial importance were re-enacted.

Discontent and uneasiness.

The political and economical condition of the colony might well have seemed enviable to those who remembered the evil days of struggle and suffering which followed the massacre. In the twenty years which preceded the Restoration the population had multiplied nearly fourfold.[1] In spite of restrictions the export trade had steadily increased. So friendly were the relations with the Indians that the very possibility of danger seemed to be forgotten. The Virginian settler, however, was not destined to sink into a state of political torpor. There is indeed in races trained to freedom a wholesome principle of discontent never long dormant, which saves them from many of the dangers of a tranquil and inactive prosperity. It was but natural that when the horrors of the wilderness and the perils from Indians and wild beasts were first overcome, the colonists should be carried away by the enjoyment of their newly-won happiness. Hence came that pervading tone of content and satisfaction which we trace in the annals of Virginia during the period which we have already surveyed. That however could not last. As the memory of early hardships and difficulties died away, so the settlers became aware of defects in the social and political system, defects which had been willingly overlooked in the presence of rapidly-increasing prosperity. Shortcomings in the social state of the colony, the accumulation of land in a few hands, the lack of towns, of schools, and of churches, all began to be felt, and even if not laid directly to the charge of the government, served

[1] Berkeley, in a letter to Arlington, 1665, August 1, sets the population of the colony at forty thousand.

to swell the general sense of discontent. The political atmosphere was full of thunder. Besides a general and vague feeling of dissatisfaction, there were specific grievances, some of them defects in the original constitution, some abuses which had gradually crept in, some due to temporary and personal causes.

During the ten years which followed the Restoration, the only symptom of this discontent was an abortive plot headed by one Birkenhead, an old Commonwealth soldier.[1] The hopeless failure of this attempt only served to illustrate the prevailing loyalty of the colony. But just as in the mother country that passionate outburst of loyal feeling which accompanied the Restoration gave way before the mingled folly and wrong-doing of the king and his counselors, so was it in Virginia. There, however, the evils caused by the personal character of the rulers were largely mingled with others due to the political and industrial condition of the colony.

In its legislation for the commerce of the colonies, the first Parliament of Charles II. followed the precedent of the Commonwealth, but with increased stringency. It re-enacted the provision that all colonial produce should be exported in English vessels.[2] To this it added two important clauses. The first forbade any man to establish himself as a merchant or factor in the colonies. The second enumerated various articles as the staples of colonial produce, and provided that none of these should be exported save to England or to the dependencies of the English crown. Later statutes went yet farther in the same direction. In 1663 it was enacted that the colonists should receive no goods whatever in foreign vessels.[3] Thus the colonists were virtually excluded from any benefit from the foreign market, and were left dependent on the mother country for the sale of all their more valuable exports and for their imported supplies. All that was permitted beyond this was the limited export trade in a few specially exempted commodities and the commerce between the different colonies. Even this last was checked by an act passed in 1672, imposing on all goods exported from colony to colony the same duties as they would have paid if sold in England.[4]

Restrictions on commerce.

Of the practical effect of these restrictions on Virginia I have already said something. In time of prosperity the colonists

[1] Very little is known of this plot. It is scarcely mentioned in contemporary documents, and our only definite knowledge of it is derived from Beverley.

[2] 13 Car. II. 14. [3] 15 Car. II. 17. [4] 25 Car. II. 6.

could bear them. In time of depression they felt that their welfare was being sacrificed for the enrichment of the English merchant. This feeling was intensified by the belief that the New Englanders evaded these restrictions by smuggling, while the loyal colonists of Virginia were impoverished by an obedience which brought them no compensating gain.

Yet it must be said in justice to the English government that there is no reason to think that the Virginians would under a more liberal system have developed any export trade beyond that of tobacco. Indeed, the government, in its anxiety to stimulate other industries, remitted for a period of five years all duties on pitch, hemp, and tar imported from Virginia into England.[1] Berkeley, too, seems to have been fully alive to the importance of such industries, and to have done his best to encourage these commodities and to introduce the production and manufacture of silk. Presents of silk were occasionally sent over to England,[2] and it is even said, though on doubtful authority, that Charles II. wore such a robe at his coronation.[3] As, however, in the days of the Company, the attempt failed, and the prosperity of the colony was left to depend on its tobacco trade.

That form of industry continued to be beset by difficulties, and these were increased by the fact that Maryland and Caro-

Difficulties about tobacco.

lina were now rival producers. As we have seen, the Virginian legislature had at length worked out a system which seemed to act as a satisfactory check on overproduction and on the growth of inferior sorts. This system, however, now failed, inasmuch as it was impossible to induce Maryland to act in co-operation. This was partly due to the difference between the climate of the two colonies. An arrangement, such as obtained in Virginia, prohibiting all tobacco-planting after a certain date, would have acted unfairly in Maryland, where the seasons were about a fortnight later. Attempts were then made to persuade the Commissioners for Plantations to forbid all exportations for a year except during a limited period. The proprietor of Maryland, Lord Baltimore, sagaciously pointed out that this would bear hardly on the small planter who lived from hand to mouth and depended for his subsistence on the immediate sale of his crop, and the Commissioners wisely refused to entertain the proposal.[4]

[1] *Colonial Papers*, 1664, November 25.

[2] There are several references to these in Berkeley's letters. [3] Beverley, p. 55.

[4] The documents bearing on this are to be found in the *Colonial Papers*. The most important of them is a very ably written memorial from Lord Baltimore.

Overproduction and the competition of his brother-colonists were not the only evils to which the Virginian tobacco-planter was now exposed. The colonies, like the mother country, were doomed to suffer from that base and hateful policy which had entangled England in a war with the Dutch Republic. That ill-starred struggle against a nation akin to us in race and religion brought no triumphs in its train, and the colonists were the guiltless partners of our dishonor. To carry a cargo of Virginian tobacco safely past the Dutch privateers became a service of danger. In 1667 the evil went yet a step farther. A British ship of war had been told off to guard the merchantmen that were lying in Chesapeake Bay. The whole affair was a humiliating comment on the condition of the English navy at that day. The guard-ship, the Elizabeth, was refitting, and her captain, it was said, was on shore amusing himself at a wedding in the company of his mistress. The merchant vessels, instead of being anchored near Jamestown, where they could be defended by the guns of the town, were imprudently lying out in the bay. There three Dutch vessels fell upon them. One merchantman alone resisted. Her captain, according to his own account, fought single-handed for six hours before he gave way. The Dutch then sailed up the river, and finding the Elizabeth defenseless, boarded and burned her. They then destroyed seven merchant vessels and captured thirteen more. There were still some merchantmen lying at the mouth of the York River. The planters, with that headlong courage in which few Virginians ever failed, wished to man them and attack the Dutch, but the masters refused. For this they were greatly blamed by the planters; but we may well believe they were justified in distrusting the undisciplined courage of landsmen.[1]

Attacks from the Dutch.

Six years later another and a more formidable attack was made with eight men-of-war.[2] The result, however, was less disastrous, as only eleven ships appear to have been destroyed. In 1674 the peace with Holland relieved the colonists from a trouble which it seemed wholly beyond their power to check or remedy.

The danger of Dutch hostilities brought political disaffection in its train. Instructions were sent out by the English government for the fortification of Cape Comfort, a point nearly forty miles below Jamestown. Nearly all the

Dispute about the forts.

1 This affair is described in an official report from Berkeley, and in a letter from Ludwell to Arlington, 1667, June 24.

2 This is told in a letter from Ludwell to the Commissioners for Plantations, 1673, August.

colonists, including Berkeley and his chief advisers, were opposed to this scheme. They pointed out that the spot was ill-suited for a fort, badly supplied with water, and swarming with mosquitoes. Moreover, the river was so wide at that point that one fort would be unable to command the whole passage. Nevertheless the Bristol merchants who traded with Virginia pressed the scheme strongly, and a long correspondence between the colonists and the authorities at home followed. The scheme, though not formally abandoned, was not thoroughly carried out. By way of compromise, a small wooden fort was erected. Even this put the colony to considerable cost for the transport of ordnance, and served as an additional grievance at a time when every public burden was severely felt.[1]

In this time of trouble the forces of nature contributed to increase the sufferings of the unhappy colonists. The very same letters which brought home the news of the Dutch attack reported a hurricane, by which, it is said, no less than ten thousand houses had been destroyed. Maryland, it was added, had been afflicted in the same way, but with half the loss. It is scarcely credible that in a population of forty thousand such destruction could have taken place. Still such a statement must have had a substantial basis of truth underlying it. We may pretty safely infer from it that all except the more substantial planters lived in slightly built huts, little better, probably, than those of the West Indian negros at the present day.[2]

The hurricane.

The prevailing discontent which resulted from these various causes was intensified by the personal character of the Governor. There was nothing in Berkeley's previous career to make him specially hostile even to those Virginians who had supported the Commonwealth, or specially enthusiastic on behalf of the restored dynasty. Yet he seems to have returned an imbittered and vindictive man, remembering only the wrongs of himself and his party. Naturally, as it would seem, frank and loyal to his word, he was more than once betrayed by his wayward and revengeful temper into breaches of faith. Moreover, though the character of an old Cavalier soldier might palliate hastiness and occasional violence, it ill assorted with the charges of petty corruption which were brought against Berkeley.

Berkeley's character.

[1] The objections to the forts are set forth in a letter from Berkeley to Arlington, 1666, July 23, and in a letter from Ludwell to Arlington, July 18.

[2] The hurricane is also referred to in a letter from Boston, Oct. 16, 1667.

Even the best side of his policy, his treatment of the Indians, admitted of an unfavorable construction, and it was commonly thought that the forbearance and moderation of the Governor were due less to his sense of justice than to the profit which he and his friends derived from the beaver trade.[1]

This lowered tone of morality was not confined to a single public man. No one can read the annals of the time and not feel that the political atmosphere was full of venality and corruption. The smaller public offices were constantly turned into sources of unrighteous gain. The transfer of land was rendered costly by the multiplication of official fees. The wages paid to members of the Assembly were exorbitant, and were increased by various illegitimate allowances. Frugality in the management of public business was neglected, and the committees of the Assembly chose to meet at an alehouse rather than at the court-house itself.[2]

Want of political morality.

This corruption and extravagance was accompanied by a general relaxation in public morality. The letters even of the better class of men among the colonists breath a despicable tone of servility. Arlington is repeatedly addressed both by Berkeley and by the secretary, Ludwell, as if the whole well-being of the writer and of the colony itself depended on the pleasure of the minister. In the loss of independence and self-respect Virginia had kept pace with the mother country.

Meanwhile the Virginians were deprived of that which ought to have been the natural safety-valve for their discontent. In England the exaggerated spirit of loyalty which followed the Restoration was at once signalized and undermined by a session of Parliament which lasted for eighteen years. It is hard to say how far a like state of things in Virginia was due to a like cause, how far to the selfish determination of a class to monopolize power. Be the cause what it might, the Assembly strictly followed the example of the English Parliament by continuing to sit till 1676, and then only yielded to a violent display of popular feeling.

The Long Assembly.

Meanwhile it was shown by many indications that the repre-

1 These charges against Berkeley are to be found scattered among the records of the time in private letters and in pamphlets, and are also confirmed by some of his official acts. One of the severest attacks on him is made incidentally by a Maryland Puritan, in a long and vigorously written manifesto, to which I shall have occasion to refer hereafter.

2 The evidence for the general laxity of morals is much the same as that for Berkeley's shortcomings. The proceedings of the reforming Assembly in 1676 are a good proof of the nature of the mischief itself.

sentatives were wholly out of harmony with their constituents. Popular grievances went unheeded. Indeed the Assembly itself, through its extravagance and its corruption, was the main grievance of all. The colonists felt that they were mocked with the nominal enjoyment of free institutions, while in truth they had lost all control over the conduct of those who professedly represented them.

The discontent which was thus engendered by internal corruption was suddenly stimulated by an attack from without. In the very first year of his nominal reign, Charles II. had rewarded some of his followers by a grant of territory in Virginia.[1] The recipients soon afterwards sublet the land to three private persons, but no immediate attempt was made to act on the patent, nor is there anything to show that the Virginians were even aware of the attack upon their rights.

The king's grant of Virginia.

The territory specified was all that bounded by the Rapahannock and Potomac rivers, and the Chesapeake Bay. Such a reckless invasion of private rights might perhaps be pardoned in a young dethroned prince, driven to his wits' ends for resources and wholly ignorant, we may well believe, of the nature and extent of his grant. The restored king, however, was bound by his act of folly, nor is there anything to show that he strove to free himself from the dishonorable obligation. Two mandates are extant, one issued immediately after the Restoration, the other a year later, both commanding the Virginians to accept the grant and further the purposes thereof.[2] The second of these mandates shows clearly by its tone that the first had been neglected, and that such neglect was regarded as a matter of displeasure. The patentees appear at one time to have taken active steps to enforce their rights by sending out agents. All that is known of this attempt is the fact that it was hindered by the colonists, and that it was followed up by a letter from the king, written at the request of the patentees, enjoining the colonists to abstain from such conduct, and announcing an intention of prosecuting the scheme.[3] A letter from Ludwell, the Secretary of the Virginian government, to Arlington throws some further light on the matter.[4] Ludwell, like most of the leading Virginians of that day,

[1] The original grant does not seem to be extant. The earliest reference to it, as far as I know, is the mandate referred to below. In that the names of rivers and places are hopelessly misspelled.

[2] *Colonial Papers*, 1662, December 5; 1663, August.

[3] The petition of the patentees to the king and his letter are both among the *Colonial Papers*. The latter is dated Jan. 26, 1670. The former is undated. [4] *Ib.*

addresses the home authorities in a courtier-like and often servile tone. Nevertheless he seems to have been a man of intelligence and to have had a real and honest anxiety for the welfare of the colony. He dwells upon the hinderance to industry caused by such a grant. How, he asks, can it be expected that the colonists will employ themselves on the improvement of the soil, unless they know whether they are making a country for the king or for some other proprietor? By this means and by insinuating that the agents of the patentees were taking an independent line and disregarding the English government, Ludwell strove to prejudice the king and his advisers against the grant. Whether this took effect, or whether the patentees found the opposition of the colonists too much for them, is unknown, but the attempt was abandoned and the grant was restored to the crown.

The conduct of the king at once showed that it was no respect for the rights of the colonists which had brought about this surrender. The original patentees enjoyed a third of the territory of Virginia. No sooner was their grant restored to the crown than a fresh transfer was made conveying the fee-simple of the whole of the colony to Lord Arlington and Lord Culpepper.[1] That such a grant should have been made is so astonishing that nothing but the very deed itself, yet extant, could be accepted as evidence of the fact. The patentees were empowered to make grants of land, reserving a quit-rent; they had the dangerous right of nominating sheriffs and land-surveyors, and the whole Church patronage of the colony was placed in their hands. Not a word was said about vested interests, not a word about the return due for all the labor bestowed on transforming a wilderness into a fit abode for civilized men. Yet if security of tenure is necessary to the prospects of an old and settled country, much more so is it in a new colony. The motive which acts upon the best class of emigrants is not the prospect of immediate gain. It is the hope that by years of toil and hardship they may secure comfort and ease for their old age and for those that may come after them. Throughout the whole of their history this feeling had been uppermost with the Virginians. It was the dread of an insecure tenure which in the first instance prompted them to support the Company, and then, with seeming inconsistency, to oppose its renewal. But of these things the king and his counselors recked nothing. Yet in fact the new

The grant to Arlington and Culpepper.

[1] The original grant is in the *Colonial Papers*, 1672, February.

grant, though more outrageous in principle and seemingly more threatening, was probably less dangerous than the former one. In the first place, it is but just to say that Arlington and Culpepper, venal and rapacious though they were, were yet men of some statesmanlike instincts, not mere court favorites, like the first patentees. Arlington, too, had in the letters of his colonial correspondents ample material for understanding the true condition of Virginia. In another way, too, the greater encroachment was the less dangerous one. The first grant only dealt with one-third of the soil, and thus directly concerned only a third of the inhabitants. It was possible that the majority might prefer to look on quietly, and to obtain the good graces of the patentees and the crown, rather than stand up for the rights of their fellow-colonists. The grant to Arlington and Culpepper took in the whole of Virginia, and thus threatened all alike. Accordingly the colonists seem to have resisted at the very outset, and that with partial success. The patentees surrendered all their newly-acquired rights except the quit-rents and escheats. In lieu of the remainder they took a duty of three-halfpence per pound on tobacco.

This compromise averted the worst danger, that of a total subversion of established titles to land, but it failed to satisfy the colonists. They deemed it well to guard against similar encroachments and to put their rights on a surer basis. To effect this an agency was sent to England consisting of Ludwell, Moryson, and Smith. Of Ludwell's personal character I have already spoken. Moryson seems to have been a man of the same stamp, cautious, moderate, and ever ready to push his own interests, yet in the main loyal to his employers, and having a clear understanding of the condition and needs of the colony. Of the third colleague, Smith, we know nothing.

At first the agency seemed to be thoroughly successful. Its object, apparently, was not to deprive Arlington and Culpepper of what they still enjoyed, but to fence in their grant with such provisions as should prevent its being hereafter dangerous to the liberties of the colony. Accordingly they petitioned for a charter. Their application was granted, and the law officers of the crown were instructed to draw up such an instrument. The rough draft was actually executed confirming the existing constitution, and adding a definite provision that no tax should be laid on the colonists without the consent of the Governor, Council, and Burgesses. Moreover, the Governor, Council, and Commonalty of

Virginia were to be formed into a corporation for the one purpose of purchasing the territorial rights of Culpepper and Arlington. Such encroachments were for the future guarded against by a clause declaring that the crown would henceforth make no grants of land without the approval of the Governor and Council.[1] All the needful formalities seem to have been completed, when suddenly the whole matter was brought to a stop by the tidings of an outbreak of popular fury in the colony.

Prominent among the causes of this ill-timed explosion was the very existence of the agency itself. To provide for the cost of it a poll-tax of fifty pounds of tobacco was imposed: the colonists, like tax-payers in general, were more ready to clamor in defense of their rights than to pay the needful price, and the impost was viewed as a grievance.

Popular grievances.

This discontent was increased in the next year by a most unjust and ill-timed revival of that disqualifying law which had been passed in 1655, and repealed in the following year, and which withheld the franchise from all save landholders and householders.

Justice apart, it would be difficult to imagine anything more ill-judged than this curtailment of the popular right of self-government at the very moment when all classes needed to be united against a common enemy. Besides, in the existing condition of the Assembly, this measure was almost an acknowledgment that the Burgesses had ceased to represent popular feeling, and that they were seeking to perpetuate their own power by changing the basis of representation.

The immediate impulse towards civil commotion was given by an external enemy. For nearly thirty years the red men and the colonists had been at peace. So utterly were the dangers of Indian warfare forgotten, that in 1650 a Virginian writer, referring to the massacre, tells us that "one man that was but master of a heart and a pitchfork, hath been known to stave off and affright ten of them; nor were any that had the generosity to oppose, or the discretion to keep good their houses, massacred by them;"[2] and in 1661 Berkeley reported that "the Indians, our neighbours, are absolutely subjected so that there is no fear of them."[3] The legislation of the Virginian Assembly on behalf of the savages during this period is marked with honorable

Relations with the Indians.

[1] The draught of this charter is given in the *Colonial Papers*, 1675, November 19.
[2] *Virginia Richly and Truly Valued*, p. 58. [3] Hening, vol. ii. p. 513.

and unhappily exceptional features. More than one law was passed prohibiting their enslavement, either by kidnapping adults or buying children.[1] A law passed in 1654 specially protected their lives when they came on to the lands of the settlers.[2] The Assembly of 1655 went further, and adopting a policy which had been unknown since the days of the Company, took steps towards civilizing and educating the savages. It proposed to give their children schooling, to encourage the Indians in agriculture by giving them cows as rewards for destroying wolves, and to incapacitate them from alienating their lands.[3] In 1657 they were protected by enactment from the intrusion of squatters.[4] In the next year the same policy was carried to an unwise length; the Indians were allowed to carry arms, and all restrictions on their trade with the settlers were removed.[5] The legislature of 1659 enacted that no debts should be recoverable from Indians, and that no merchants should take Indian children to England without the consent of their parents.[6] In the following year a further step was taken, and a portion of the peninsula of Accomac was settled inalienably on the Indians.[7] This territory was probably selected because the isolated position made it impossible for the Indians there to act in concert with their brethren on the mainland. In 1662 a consolidated Act was passed containing a digest of all the laws then in force with respect to the Indians.[8] Alienation of Indian lands was forbidden; those who had encroached on their territory were to be ejected, and their houses pulled down. Badges were granted as passports to the friendly Indians who should have occasion to come among the settlers. The personal rights of the savages were carefully guarded. No chief was to be imprisoned, and no Indian whatever was to be held as a slave for a longer period than was lawful in the case of an Englishman. In 1665 we find the one exception to the uniformly benevolent and merciful tenor of Virginian legislation. It was enacted that in case of a white man being murdered by the Indians, the nearest town should be held responsible.[9] In the following year, however, this was repealed. Nor were the enactments on behalf of the Indians allowed to be a dead letter. In this same session of 1666 we find the above laws put in force against four leading settlers. Colonel Yorke is fined ten thous-

[1] Hening, vol. i. pp. 455, 482, 515.
[2] *Ib.*, vol. i. p. 410.
[3] *Ib.*, vol. i. p. 393.
[4] *Ib.*, vol. i. p. 467.
[5] *Ib.*, vol. i. pp. 518, 525.
[6] *Ib.*, vol. i. p. 341.
[7] *Ib.*, vol. ii. p. 13.
[8] Hening, vol. ii. p. 138.
[9] *Ib.* p. 219.

and pounds of tobacco for allowing the murderer of an Indian to escape. Captain Brent and Captain Hawk, who had illegally imprisoned an Indian, are fined fifteen thousand pounds of tobacco, and are disqualified for all civil or military offices. Finally, Colonel Moore Fauntleroy is disqualified from holding any office for extorting the territory of Roanoke from the Indians.

In 1676 this harmony came to an end. As was often the case, hostilities began with a petty act of dishonesty, though it is not easy to say which side was guilty of it. The Doegs, a tribe on the Potomac, charged a planter named Mathews with cheating them, and in retaliation stole his swine. The thieves were pursued and some of them killed. The Doegs then invaded the English plantation and killed at least four of the settlers. Thereupon two English officers, one of them that Captain Brent who had already been involved in a quarrel with the Indians, raised a small troop and pursued the

Outbreak of hostilities.[1]

---

[1] Our materials for an account of Bacon's rebellion are very ample and our only difficulty lies in comparing them and estimating their relative values.

The main authorities are:—

I. The Report of the Commissioners sent out from England. This, together with many letters, proclamations, etc., bearing on the matter, is published in the *Colonial Entry Book*, No. lxxxi. The account is full and carefully arranged, and is, on the whole, the best narrative of the rebellion. A summary of it is published in an appendix to Burk's *History of Virginia*.

II. We have besides three contemporary accounts, all published in Force, vol. i.

1. The Beginning, Progress, and Conclusion of Bacon's rebellion from a MS. by T. M., sent to Sir Robert Harley. The author, T. M., was a member of the Assembly of 1676, sitting for Stafford County. The value of his account is that he gives a report of the proceedings at Jamestown before Bacon actually took up arms. The writer himself was concerned in these, and our faith in him is increased by the fact that he plays a very unheroic part in his own story. His narrative is confined to what he himself saw, and as he left Jamestown before Bacon finally took up arms, this account throws no light on the later stages of the rebellion.

2. An Account of our late Troubles in Virginia, written in 1676 by Mrs. Anne Cotton to a friend in Northamptonshire. Appended is a short letter from Mrs. Cotton's husband. This account remained in manuscript till 1804, when it was published in a Richmond newspaper. Of the three accounts it is the best written. It seems free from party feeling.

3. A Narrative of the Indian Civil Wars in Virginia, found among the papers of a Virginian family by one Captain Burwell.

This is a very detailed report, written in a most cumbrous and pretentious style with elaborate attempts at wit, always dull and occasionally indecent. A good many of the details seem to have been obtained from Bacon's own party, and, as far as we can judge, the writer's sympathies are with the insurgents. At the same time it is just to say that he does not gloss over their excesses. This, as well as T. M.'s Account, were first published by Force.

There are similarities of expression and thought about Mrs. Cotton's Account and the Burwell MS., which make it possible that they may be connected. Mrs. Cotton may have epitomized the more elaborate account, or her report may have been afterwards amplified into the more pretentious narrative.

Besides these authorities we have occasional letters. One from Ludwell, written in the form of a diary during the time of Bacon's first arrival at Jamestown, is specially valuable. On the whole there is remarkable unanimity between our various informants.

enemy into Maryland. Four miles beyond the Potomac the river branched. The pursuers chose the wrong path and found themselves almost immediately opposite an Indian village. The chief attempted to flee, but was shot down by Brent. A skirmish then ensued, and it was not till fourteen of the Indians had fallen that the English discovered that they were on the wrong track, and that the village belonged to the Susquehannocks, then a friendly tribe. A desultory war on the frontiers, both of Maryland and Virginia, now followed. Each colony raised a thousand men, and the joint force laid siege to the principal Indian fort at the head of the Potomac. This fort was strongly intrenched, and guarded in front by a natural or artificial ditch, by earthworks and by an external palisade. Moreover, as we have seen, the over-trustful policy of the settlers had supplied the defending force with arms and ammunition. For six weeks the English laid siege to the fort, but to no purpose. The Indians, however, were hard pressed enough to make overtures for peace. Six of their chiefs came out, as it is said, to treat with the besiegers, and were killed by them. Our authorities tell of the affair without comment or explanation, but it is clear that it was regarded by some of the settlers themselves as a stain on their honor. "They should have gone away in safety had they killed my own father," was Berkeley's indignant comment when he heard of it. At length the Indians by one of their stratagems succeeded in getting out of the fort without the knowledge of the besiegers. They invaded the plantations, and with some rude idea of retaliatory justice, slew sixty of the settlers, ten for every one of their murdered chiefs.

They then sent an embassy to the Governor to treat with him for peace. Their representatives declared that the recent slaughters were but just retaliation; they demanded satisfaction for the injuries done in the war, and promised, if the Virginians would abandon the alliance with Maryland, to cease from hostilities. However the quarrel might have begun, to accept such terms would have been a fatal admission of weakness, and the English peremptorily refused to entertain the proposals. Yet they seem to have taken no steps to guard against the inroad which was certain to follow. The savages invaded the country and killed three hundred of the settlers, many with the horrors customary in an Indian execution. The only measure of defense adopted by Berkeley was to build some small forts on the frontier, a precau-

tion of little use against an enemy to whom every yard of the forest was an open pathway. So futile, indeed, did the means of defense seem, that the Virginians set it down as a piece of jobbery on the part of the Governor. It would be grossly unfair to condemn Berkeley on mere suspicion of having sought to make a corrupt profit out of the danger of the colony, but the mere fact that such a belief existed speaks ill for his public character. Dissatisfaction pervaded the whole colony, and all the inhabitants of the threatened districts clamored for active measures against the Indians.

In this crisis a leader was found to give definite form and purpose to the popular discontent. Nathaniel Bacon seems to have been one of those restless, venturesome, unsuccessful men with whom the Virginian colony had been so largely recruited in early days and of whom there is never a lack in any new country. He had lost his estate in England, and had now bettered his fortunes by a marriage with a rich widow. Her position of landlady of the chief, probably the only, tavern in Jamestown, gave Bacon a wide circle of acquaintance, with whom he seems to have enjoyed a high reputation for courage and ability. How far this was deserved it is hard to say. We know too little of the details of Bacon's campaign against the Indians to judge of his capacity as a soldier. In an unsettled and excited state of public feeling, popular judgment is little to be relied on, and though Bacon's name was undoubtedly associated with useful and important measures, we cannot judge how far these were due to him, how far to those with whom circumstances had for a time allied him. Be his character what it might, it seems clear that those who asked for vigorous measures against the Indians fastened on Bacon as a fit leader and supported him in his demand for a commission. This Berkeley refused. Bacon thereupon vowed that if another Englishman were killed he would take up arms, even without authority. As chance would have it, the very next victim to the fury of the Indians was Bacon's favorite servant, the overseer of his plantation. Upon this Bacon gathered together a small force of about a hundred planters, and invaded the Indian country. As might have been expected with a force thus hastily raised, they soon ran short of provisions. One by one Bacon's followers dropped away till at length he was left with only fifty-seven men. An attempt to get supplies from the friendly Indians failed, owing, it was said, to the intrigues of

Nathaniel Bacon.

Berkeley, who was suspected of having sent a private messenger to the savages. Bacon, resenting the refusal, attacked the village, which was fortified, stormed and burned it, killing, according to his own account, a hundred and fifty of the inhabitants, and seizing four thousand pounds of powder.[1]

In the mean time Berkeley had proclaimed Bacon a rebel and had made an ineffectual attempt to march out in pursuit of him. This, however, he had abandoned, apparently for lack of support. His next step was a concession to popular feeling. The "Long Assembly" was dissolved and writs issued for a new one. Yet in the very proclamation by which the dissolution was declared, Berkeley treated the demand for fresh representatives as a strange and unmeaning fancy. Any reasonable man, he implied, would prefer an experienced Assembly to a new and untried one. Still, if the colonists were so perverse as to desire a change, they might have their own way.

A fresh Assembly.

The most noteworthy feature of the election was the return of Bacon for the county in which he lived. This election was clearly illegal. Bacon had been proclaimed by the Governor a rebel. If Berkeley's proclamation was invalid, Bacon still remained a Councilor and was therefore ineligible. This point, however, does not seem to have been raised, and Bacon came to Jamestown to take his seat apparently in a peaceful manner. Berkeley, however, sent out a force to meet him; his sloop was destroyed and he himself brought in a prisoner.

Bacon elected.

It is not easy to understand clearly the nature of the events which followed. The actual facts are plainly enough recorded. The difficulty is to understand the motives of the various actors and the causes which explain their rapid and seemingly meaningless changes of policy. Berkeley's first step was to pardon Bacon and restore him to his seat in the Council, only requiring that he should make a public apology for his misconduct. Whether this was a genuine reconciliation on Berkeley's part, whether he found that public opinion was too strong for him, or whether his object was merely to lull Bacon into security till he could concert measures against him, seems doubtful. It is at least clear that soon after Bacon himself took the least favorable of these views. In any case the turn which events

Proceedings of the Assembly.

[1] The Burwell MS., p. 11. This affair is also told of in a letter among the *Colonial Papers* from one of Bacon's followers. He relates the destruction of the Indians, women and children included, in a tone of most cold-blooded brutality.

now took showed how completely popular opinion was against Berkeley. Bacon proceeded against him in the civil court to recover the value of his sloop, and was awarded seventy pounds damages.

The Acts which were then passed are the best evidence of the evils against which Bacon took up arms. One Act declared that abuses had crept into government offices, and ordered that sheriffs and under-sheriffs should only serve for one year. No public functionary was to hold more than one office at a time or to exact more than his legal dues. The secretary and his clerk had been in the habit of levying a duty of eighty hogsheads of tobacco on every parcel of land granted; for the future they were to levy this duty only on each patent, which might and often did include several parcels. The Act restricting the franchise was repealed. The right of voting was restored to every freeman, and special precautions were taken to check the practice of making false returns. Finally, the imposition of certain taxes which had hitherto been under the control of the county magistrates was transferred to the Assembly, and the broad principle of the connection between representation and taxation was thus definitely laid down.

Reforms.[1]

By some historians these measures have been assigned to Bacon's personal agency, and he has thus obtained the reputation of a patriotic reformer. There is, however, nothing in what we know of Bacon's character or actions to make us think that he possessed any statesmanlike ability. It is more probable that he was temporarily associated with wiser men than himself, who took the opportunity of Berkeley's unpopularity and of the enthusiasm which Bacon's cause had awakened to carry out their own policy. Yet the nature of these measures, and the manner in which they were carried, make strongly against the view that Bacon was merely an ambitious agitator. If he did not originate, he at least supported wise and patriotic measures, nor were they carried either by force or intimidation. It is clear, too, that his supporters were not drawn solely from the border plantations which were specially exposed to the Indians, nor were the framers of these wise and temperate reforms the mere scum and rabble which their enemies would represent them. It should be noticed, too, that this Assembly was elected under the disfranchising law of

[1] These acts are in Hening, vol. ii. p. 341.

1670, and consequently did not represent the lowest class of the community.

Meanwhile the immediate danger of the colony was not forgotten. An act was passed "for carrying on a war against the barbarous Indians." One thousand men were to be raised, of whom one-eighth were to be horse. Bacon was nominated to the command, and a committee of the Assembly was appointed to arrange for provisions and the like. Suddenly in the midst of these harmonious proceedings Bacon took fright. Of the grounds of his suspicions we know nothing, nor is it easy to see how one of the leaders, ostensibly indeed the chief leader, of a party which was carrying all before it need have feared his personal safety. Believing, however, that Berkeley had designs against him, Bacon obtained leave to visit his own plantation, on the pretext of his wife's sickness. Once safely in his own country, Bacon took active measures against the Governor. Dread of the Indians had doubtless kept the settlers in a state of readiness, and the every-day life of a Virginian planter made little military preparation needful. Consequently within four days Bacon was in full march on Jamestown at the head of four hundred men. Berkeley at once called out the militia, but his forces did not show the same alacrity as the rebels, and when Bacon's army appeared before Jamestown, the place was defenseless and he marched in unmolested.

The insurrection.

Hitherto Bacon's conduct seems to have been that of a capable, energetic man. Now if we may believe the account of a not unfriendly witness, he behaved like a madman, gesticulating frantically in the streets and throwing out insane threats against the Governor and Council. Berkeley seems to have fallen into the same dramatic humor, and presenting himself to the rebels, bared his breast and bade them fire.[1] Bacon then, desirous, it would seem, to bring the melodrama to a happy end, assured the Governor that they would do him no injury, and that he only wanted a commission against the Indians. The appeal was completely successful. The authority that Bacon required was granted; he was constituted General of the forces to be raised against the Indians, and supplied with blank commissions to be filled in at his own discretion. In addition to this, the Assembly passed an Act of Indemnity, pardoning all

Bacon's success.

[1] T. M., who seems a sober writer enough, and who was evidently on good terms with Bacon, describes these proceedings.

offenses done between the 1st of March and the 24th of June, those only excepted who had traded with the Indians, and a report approving of Bacon's conduct was drawn up and signed by the Governor.

Armed with these powers and having apparently disposed of all opposition, Bacon marched against the Indians. The Gov-

Berkeley retires to Accomac.

ernor's next step fully justified Bacon's previous suspicions of his good faith. Berkeley left Jamestown and went into Gloucester, the richest, most populous, and, as it was thought, most loyal county. There, in violation of his promise, he proclaimed Bacon a rebel, and called out the militia of the county to support him against the insurgents. The militia assembled to the number of twelve hundred, but with no intention of obeying Berkeley. After a general profession of loyalty, they declared that they would not act against Bacon, who was laboring for the salvation of the colony, and deprecated anything which could lead to civil war at a time when all their resources were needed against the common enemy. Berkeley, finding the Gloucester men in no mood to support him, then took ship and crossed over to Accomac, carrying with him all the arms and ammunition out of Fort York, and so leaving an important post defenseless.

Bacon, perceiving that all possibility of a peaceful settlement was now at an end, took more decisive measures. He issued a

Bacon organizes his party.

manifesto setting forth the shortcomings of Berkeley and the grievances of the colonists. Whether or not this document represents Bacon's real views, we may at least assume that it embodied what he thought would be the most popular arguments, and that so it is a fair guide to public feeling. Besides the main charge of neglecting the safety of the colony, he reproaches the government with its unfair preference for the Indians, and with indifference to the general well-being of the colony and to the progress of education and the useful arts. He dwells, too, on the fact that some who have come into the colony poor have become rich, evidently with the implication that their private profit had been the public loss. The whole document breathes a feverish spirit of discontent. It is clear that the period was one of those in which men are dissatisfied with the social and political arrangements around them, and having a vague feeling that the times are out of joint, find in the misconduct of government an easy explanation of more deeply-rooted evils. In addition to

this remonstrance, Bacon issued a summons to a convention at Williamsburg, some ten miles north of Jamestown. The summons was obeyed by most of the planters in that neighborhood. When the convention had met Bacon addressed them, representing the necessity of the war against the Indians and the impossibility of carrying it on vigorously, unless he was secured against molestation by the Governor. For this purpose a test was drawn up to be taken by all the inhabitants, binding them in no way to assist Berkeley against Bacon and his army. This seems to have been readily accepted. Bacon, however, was not yet satisfied, and demanded further pledges. He required that all his followers should promise, firstly, to support him actively against Berkeley, and secondly, to continue that support against any troops that might be sent out from England, until such time as the whole case might be laid before the king. In spite of Bacon's representations that these pledges were absolutely necessary to his safety, the majority of the convention were unwilling to take up the position of armed rebels. But when the news came that Berkeley had stripped York Point, and to further his own cause against Bacon, had left the country defenseless, many wavered. Their remaining scruples were surmounted by Bacon, who allowed the oath to be taken with the somewhat contradictory reservation that it should not so bind the takers as to interfere with their oath of allegiance. This condition, however, seems to have been afterwards withdrawn. Having thus secured the support of his followers, Bacon issued a summons for an Assembly, signed by four of the Council. The popularity of his cause now spread to Jamestown, and without, as far as we can discover, any resistance, the capital was occupied by an armed force of seven or eight hundred rebels.

We can hardly doubt that it was about this stage of his career that Bacon first broached such schemes of independence as are attributed to him in a contemporary document.[1] There is a letter by a leading colonist, Good, apparently a man of moderate views and a personal friend of Bacon. He gives in dialogue form a discussion between Bacon and himself which is not a little interesting read by the light of events a century later.

Project of independence.

The dialogue begins with an abrupt question from Bacon. Could twenty thousand red-coats subdue Virginia? Good tells

[1] *Colonial Entry Book*, No. lxxxi.

him that a quarter of the number could if they had command of the sea and were able to land at different points, burning and destroying. Bacon in reply dwells on the fitness of the colonists for a backwoods war of surprises and ambushes, and the sufferings which the invaders would undergo from the novelty of the climate. The country, he points out, can almost support itself, and the few needful imports might be got from France and the Netherlands. With foresight which may have been in some measure the fruit of chance, Bacon suggests the possibility of a confederation between Virginia, Maryland, and Carolina, building his hopes mainly on the uncivilized and rebellious temper of the last-named colony. This scheme, Good thinks, had sunk deep into the mind of the rebel leader, as was shown by his choice of "Carolina" as the watchword for his troops.

In the mean time Berkeley was making counter-preparations. The support which he had vainly sought for in Gloucester, he now obtained in Accomac by promising that the rebels' estates should be confiscated and given to those who remained loyal, and that all who supported him should be discharged, themselves and their heirs, from all taxes, except church dues, for twenty-one years, and if servants to rebels, should be set free. By these promises and by the pay of a shilling a day, the Governor succeeded in enlisting about a thousand men. In addition to these he was possessed of one ship and two sloops. Thus the country was in an open and declared state of civil war, with two little armies confronting one another, one on the mainland, the other at Accomac.

The first blow seems to have been struck by the Governor, who used his fleet to harry the mainland. Thereupon Bacon dispatched two vessels to blockade the Governor and check his depredations. They were also, if possible, to draw off the inhabitants of Accomac from their allegiance. If our accounts of what followed be true, Berkeley was less scrupulous in his dealings with rebels than with Indians. One of the two commanders of Bacon's party, Carver, was lured on shore by promises of safety. After an ineffectual attempt to seduce him from his leader, he set out for his ship. A boat was sent out from the mainland which out-rowed Carver's sloop and reached the vessel first. This vessel had been pressed by Bacon into his service, crew and all, and her former commander, Lawrence, was now among the insurgent leaders. The crew returned

Berkeley's successes.

to their old allegiance, and by their aid the ship was boarded and the rebels taken prisoners. Emboldened by this success, Berkeley and his force crossed over to the mainland and issued a proclamation offering pardon to all who would return to their allegiance, Bacon and his two chief supporters, Drummond and Lawrence, alone excepted. This, however, seems to have had but little effect, since the mass of the rebels remained faithful to their leaders and in a body deserted Jamestown.

Bacon himself, during all this time, had been busy with his company against the Indians. Having brought that matter to a successful end, he disbanded most of his troops before he heard of the Governor's landing. When the news reached him, he marched with about a hundred and fifty men who yet remained with him, and laid siege to the town. The place was surrounded by water, and could thus be easily defended by any party that had command of the river. Moreover, Bacon's force was so weak as to be not merely unequal to the task of a successful attack, but itself in danger from a sally. Bacon now, exasperated, it may be by the treachery of the Governor towards Carver, had recourse to an atrocious expedient. He captured Lady Berkeley, who was still in the country, and other of the wives and kinsfolk of his chief enemies, and placed them under range of the defender's guns.[1] By this means the most vulnerable part of Bacon's line was protected against the enemy's fire. A sally made by the besieged failed mainly through a violent thunderstorm. Berkeley after this, disheartened it would seem by the lukewarm temper of his supporters, took ship and returned to Accomac, leaving Jamestown at the mercy of the rebels. Bacon then, feeling that his own force was too weak to hold the place, and fearing that Berkeley would return to occupy it with additional troops, set fire to the town.

Burning of Jamestown.

Bacon now proceeded to follow up his success by marching into Gloucester county, which, since Berkeley's ineffectual attempt to enlist it on his side, had taken no part in the war. As might have been expected from their previous conduct, the settlers readily took the oath of fidelity to the rebel leader in spite of the remonstrances of an unlucky clergyman whom Bacon promptly put under arrest. Bacon now having

Death of Bacon.

[1] It is remarkable that this is related in the two accounts which are on the whole friendly to Bacon, *i. e.*, Mrs. Cotton's and the Burwell MS., while nothing is said of it by the Commissioners.

secured the mainland, made all preparations for an attack upon Accomac. But before he could proceed further, his health, which had been for some time past tried by the hardships of Indian warfare, gave way, and he died, asking in his last moments, as the loyalists complacently observed, for the services of that very clergyman whom he had imprisoned. As is usual with opportune deaths, there were rumors of poison, but the suspicion seems to have been groundless.[1] His death was probably a piece of good fortune for the colony. All that could be done towards redressing real grievances and establishing real reforms had been done already. Had Bacon's career been prolonged, he might, and probably would, have embroiled the colony not only with Berkeley, but with the English government, and furnished the latter with a pretext for interference which would have done irreparable injury to the growing political life of Virginia.

Overthrow of the insurgents.

Bacon's death seems to have been the signal for the immediate break-up of his party. It is not easy to reconcile this with that apparently overwhelming ascendency which enabled the triumphant body of reformers to dictate their own laws, to drive the Governor out of Jamestown, and to force him to seek safety in the one loyal county of Accomac. The only reasonable explanation appears to be that the men who supported Bacon in his constitutional reforms had fallen away from him when he went further, and were, if not actually hostile, at least unfavorable to his proceedings as an armed rebel. Moreover, with the death of Bacon all definiteness and unity of purpose seems to have left the insurgents. The policy with which Bacon had set out manifestly was to maintain an attitude of armed resistance till such time as the grievances of the colony could be fairly inquired into by the English government. His successors seem to have lost all principle of action beyond that of escaping the wrath of Berkeley. The records of this particular period are somewhat confused, but, as far as we can judge, the rebel army broke up altogether, and its principal members were hunted down and arrested with little difficulty by the emissaries of the Governor. Rapacious, vindictive, deaf, and probably senile in mind, Berkeley was utterly unfitted to sit in judgment on the members of a defeated faction. Never, too, had there been a time in English history when the war of parties was so bloody, and when

[1] A poem quoted in the Burwell MS. refers to "Paracelsian art."

all mercy for a fallen enemy had so utterly vanished. It would be grossly unjust to liken Berkeley to Jeffries, yet the temper of the Bloody Assize was foreshadowed in the sufferings of the Virginian rebels.[1] Traditions have come down to us of Berkeley's ferocious reception of his victims; how he welcomed Drummond who, though no soldier, was Bacon's chief counselor, with a "Mr. Drummond, you are very welcome; I am more glad to see you than any man in Virginia; you shall be hanged in half an hour;"[2] and how when the wife of Colonel Cheeseman flung herself at the feet of the Governor in an agony of remorse and took on herself the blame of her husband's treason, she was thrust aside with a foul scoff.[3] The details of these stories may be exaggerated or even invented, but they clearly represent a general consensus of opinion as to the Governor's conduct. Nor was Berkeley's anger merely an outburst of outraged loyalty. Meaner motives were mixed with it. The confiscations of the civil war had begotten a lax and rapacious tone of morality, and it is clear that Berkeley looked on rebel estates as a mediæval king looked on the earnings of the Jew merchant, or as an Anglo-Indian of the last century looked on the fortune of a native prince with whom the Company had a difference.[4] He would not have deliberately plundered a peaceful citizen, he probably would have even preferred that every citizen should remain loyal, but their disloyalty threw a harvest into his hands of which he must make the most. Nor were underlings wanting to aid him. Two among his instruments stand out conspicuous: Robert Beverley, the Clerk of the Assembly, and one Colonel Hill. The former has a claim to our notice as being the father of the first really indigenous historian whom Virginia produced. Our knowledge of the latter is chiefly derived from a lengthy document drawn up by him in his own defense, which without other evidence furnishes a very sufficient condemnation.

In all these proceedings Berkeley seems to have had the support and confidence of the Assembly. That body had been elected in the beginning of 1677.[5] Of the circumstances of the election we know nothing. One is

Attitude of the Assembly.

[1] The parallel is curiously true if there is any ground for a statement made by T. M. He mentions (but only as a rumor) that Berkeley had private instructions from the Duke of York urging him to severity.

[2] T. M., p. 23. [3] Burwell MS., p. 34.

[4] The evidence for this may be found in Berkeley's own letters preserved among the *Colonial Papers*.

[5] It first sat February 20, 1677 (see Hening), but the date of election is not mentioned.

tempted to think that Berkeley must have packed it with his own creatures. Yet, on the other hand, it seems strange that the excluded party should have sat down quietly under such a grievance. Nor was the new Assembly wholly hostile to the political principles advocated by Bacon, since, after formally repealing all the proceedings of the previous session in a mass, it re-enacted some of the principal measures of reform. At the same time there is ample evidence that it was, and to the end of its time remained, loyal to Berkeley and his party.

Commissioners sent out from England.

While these things were doing in Virginia, the English government had been taking active measures.[1] It is but just to say that the colonial policy of the last two Stuart reigns showed no marked traces of that supineness and corruption which had invaded nearly every department of the public service. On this occasion the Commissioners for Plantations seem to have dealt with the matter both promptly and sagaciously. The news of Bacon's first action against the government was sent to England about the middle of June. Berkeley too had written home declaring himself, it would seem, unequal to the occasion, and soliciting his own recall. What other information the Government had we know not, but it seems pretty clear from its action that it was kept well informed of the turn which things were taking, and that its knowledge was not derived wholly from the Governor and his supporters. Moryson, one of the three agents, was yet in England, and we may well believe that he was a means of communication between the English authorities and the leading men of the colony. In September a royal pardon was sent out, promising indemnity to all who should submit, Bacon only excepted. At the same time active measures were taken for reducing the rebel colony to order. Three Commissioners were appointed, of whom Moryson was one. This appointment was a guaranty that the Commissioners would enter into the grievances and the wants of the colony. A force of five hundred soldiers was equipped and sent out under the command of the senior Commissioner, Herbert Jeffreys. His two colleagues, Moryson and Berry, seem to have had no share in the military department, but to have been confined to the task of inquiring into grievances and reporting on the state of the colony.

[1] My account of what follows is entirely derived from the *Colonial Papers*, chiefly from the MS. report of the Commissioners.

On their landing, the Commissioners found the task before them somewhat different from that which they must have anticipated. Instead of having to support Berkeley and the established authorities against the insurgents, it was their chief task to protect the insurgents against the fury of their victorious enemies. The conduct of the Governor had been such as almost to place him in the attitude of a rebel. Acting, as it is said, by the advice of the Council, he had deliberately suppressed the royal proclamation of pardon, and had substituted one which excluded some fifty persons from its benefits. Thus when the Commissioners landed, about fifteen so-called rebels had been already executed, and, though all resistance had been at an end for at least two months, martial law was still in full force. Moreover, the feeling of insecurity which had been caused by Berkeley's reckless attacks on private property had almost paralyzed trade. The Commissioners at once remonstrated. Berkeley's treatment of their complaint is almost ludicrous in its serene indifference to justice. He quotes the confiscation of the civil war as a precedent. To say that men's estates were not to be seized for treason before conviction was contrary to the usage of all nations. The Commissioners then tried an appeal to Berkeley's fears, and reminded him that he would have to give a strict account of all seizures. In spite of the efforts of the Commissioners, Berkeley persisted in his violence. No less than twenty-one persons were put to death after the arrival of the Commissioners. The Governor even justified the continuance of martial law by avowing that he could not trust juries to convict. Luckily, Berkeley had put a weapon against himself into the hands of the government by his request to be recalled. It seems as if he wished now to ignore that application; but the authorities at home stood firm, and, despite his violence and obstinacy, Berkeley had to give way. Still he contrived to use the short remainder of his time to harass the Commissioners and weaken their authority. One petty dispute which fills no small place in the correspondence of the time will serve to illustrate the relations between them. We find the Commissioners gravely complaining that the Governor had on one occasion sent them from his house—in his own carriage indeed—but with the common hangman acting as postilion. They seem to have suspected that Lady Berkeley was responsible for this insult. Berkeley meets the complaint of the Commissioners

Proceedings of the Commissioners.

with a reply in which he likens the calumnies brought against him, and his sufferings, to those endured by the Redeemer of mankind! Finally, the blame of the outrage seems to be transferred to an unhappy negro.

The king seems to have been willing throughout to spare the feelings of an old servant, but Berkeley's insane conduct rendered all compromise impossible. At length in April he obeyed the summons of recall.[1] In the broken state of his health it would have been useless cruelty to take active measures against him. Soon after his return he died, having in the last two years of his life hopelessly tarnished the memory of faithful services and an honorable career.

Berkeley's death.

In spite of all the hinderances which the Commissioners experienced from his hostility, they succeeded in carrying out the main objects of their mission. The result of their labors is set forth in a connected series of papers, giving a clear account of the rebellion and of the circumstances which led to it, and throwing much valuable light on the general condition of the colony. In particular they obtained from each county or hundred a definite statement of its grievances. These contain but little new information, yet they are of great value from their unanimity and from the confirmation which they give to all the vague charges brought by Bacon and his supporters against the leading men in the colony and against the administration of affairs. They show, too, that the grievances were not local, and that the inefficient system of defense against the Indians was not resented only by those border plantations which were specially exposed.

The Commissioners' Report.

Besides this the Commissioners seem to have carried out with thorough success the task of establishing friendly relations with the savages. This was accomplished by a formal peace in May, 1677. By this the Indians acknowledged the sovereignty of the king of England and bound themselves to pay a nominal quit-rent of three arrows and a tribute of beaver skins. In return no Indian might be imprisoned but by a regular warrant; certain territories were to be reserved for them as inalienable, and they were allowed rights of fishing and oyster-gathering within the English territory. The treaty was formally concluded at a meeting between the Commissioners and the principal Indian potentates, among whom we find two female chiefs.

Peace with the Indians.

[1] Hening, vol. ii. p. 558.

The peace thus secured proved lasting. Henceforth the Indian almost disappears from Virginian history, whether as an object of dread or of romantic interest.[1]

Prudent and able though the conduct of the Commissioners was, it was beyond their power to allay those discontents which had culminated in the late rebellion. In one way, indeed, the very moderation of the crown and the Commissioners imbittered matters, by kindling the hostility of what had been hitherto the loyal party. The Commissioners had demanded access to the papers of the Assembly. The latter body not merely refused this, but over and above passed a resolution formally recording their condemnation of the demand as unconstitutional. As the Assembly was that which had supported Berkeley in his severities, and as Beverley was one of its principal officials, we must suppose that the members were actuated rather by a sense of their own outraged dignity and by a revengeful feeling to those who had opposed the late Governor, than by any sincere regard for popular liberty. At the same time the Commissioners and the English government made themselves hostile to the bulk of the tax-payers by imposing on them the burden of a military establishment, while the soldiers themselves were becoming disaffected at the tardiness with which the Assembly voted their pay.

Further discontent.

The ill-timed arrival of the news of the rebellion had frustrated the efforts of the agency and had finally put a stop to the attempt to secure a charter in which the rights of the colonists should be formally embodied. The rebellion, too, had brought material distress in its train, and the overproduction of tobacco, coupled with the rivalry of the Maryland and Carolina planters, had injured the one staple industry of the country.

To remedy these discontents would have taxed the powers of an able and energetic administrator. As it was, the death of Jeffreys left the supreme power for two years in the hands of a Lieutenant-Governor, Sir Henry Chicheley, a man well disposed and moderate, as it would seem, but without even capacity enough for the every-day duties of a colonial administrator in quiet times.

In 1682 he was replaced by Lord Culpepper. In him we have a colonial statesman of a type which that generation had

[1] The treaty is preserved, printed among the *Colonial Papers*. There is also a letter from the Commissioners describing the various Indian chiefs who ratified the treaty. The appearance of the Queen of Pamunkey is described with as much minuteness as if a royal alliance had been contemplated.

not seen before. Berkeley and his chief counselors were men who had learned to regard Virginia as a home, England but as the name of a distant and overruling power. Such men might err through personal defects of mind or temper, through narrow and imperfect views as to the wants of the colony, or through sympathies and interests which unduly swayed them towards one party. But they looked on public questions as men whose prospects and purposes bound them to the colony. They were not, like the earlier and later Governors of Virginia, like Dale and Culpepper, men who came out to discharge a temporary trust, possibly with a due regard to the interests of the colony, but without having any personal stake in its future.

Lord Culpepper made Governor.

Culpepper himself seems to have been neither better nor worse than most public men in that corrupt age. He appears to have been placable and conciliatory in temper and to have shown no lack of intelligence as an administrator. His worse fault was rapacity, of which he stands convicted, both by general tradition and certain specific actions. Yet even here some part of the discredit he incurred was doubtless due to his peculiar relations towards the colony. He had, as we have seen, been the final recipient of that unjustifiable grant which had necessitated the agency, and had thus been in some measure the parent of the recent troubles. Thus he began his career in Virginia saddled with the reputation of an unscrupulous extortioner, and at enmity with no small portion of the community.

His character.

The instructions with which Culpepper was sent out were not such as to lessen the disfavor with which he was regarded. They were designed to leave the Virginians little more than the empty show of self-government, stripped of all vitality and force. The franchise was to be once more restricted to householders and freeholders. Assemblies were only to be summoned by the special direction of the crown. Laws were no longer to originate with the Assembly, but to be drafted by the Governor and Council, by them transmitted to the crown, and then returned in such form as seemed best, for the Virginian Assembly to reject or accept as it should think fit.

His instructions.[1]

This new system of legislation was to be at once practically applied. Three laws were drafted and entrusted to Culpepper

[1] Culpepper's instructions, the three laws, the questions given to him, and his answers, are all copied into *Entry Book*, No. lxxx.

for the consideration of the Assembly. Two of these, one for pardon, the other for indemnity, related to the late troubles, while a third enabled the Governor to naturalize foreigners. Culpepper at the same time was instructed to administer a formal reproof to the Assembly for that resolution which denied the Commissioners access to the records. Two other measures were included in Culpepper's instructions, which, though good in themselves, were not calculated to allay discontent. The remission of quit-rents for the first seven years of occupancy was abolished, and all grants of land which were allowed to remain idle for seven years were then to become void. Equitable as the latter measure was, it must have come with a strangely ill grace through the mouth of a Governor who was himself enjoying the quit-rents of an enormous territory on which he had never expended a single farthing.

One more point connected with these instructions is too important to be overlooked. They aimed, as we have seen, at reducing popular government almost to a nullity. Yet in one matter, the most important perhaps of all, the liberties of the colonists were left intact. Culpepper was instructed to "recommend" the Assembly to consider a more equal and acceptable manner of raising money than that in force at present, while money bills, in case of emergency, were the one department of independent legislation in which an initiative was left to the colonists.

Culpepper showed no alacrity in carrying out the more unpopular portions of his instructions. The first clause of them compelled him to send home a detailed report of the manner in which he had executed each several instruction. His answers, while professing to give an exhaustive account of his proceedings, were on the more important points a series of elaborate subterfuges. At the earnest request of the Council, he forbore to reprove the Assembly for their obnoxious resolution. He induced the Assembly to pass the Acts of pardon and indemnity, though not without amendment. The Act for naturalization he ignored altogether. As to the future arrangement about Assemblies, he pleads the king's permission to allow the matter to remain in abeyance for six months. Having thus ingeniously released himself from the most onerous portion of his instructions, he proceeds to answer the questions submitted to him fully and explicitly, with every appearance of frankness, and with a

His report.

detail and clearness which do no small credit either to his own powers or those of his secretary.

One point in his first dispatch is worth noting, as being perhaps the first definite avowal of that desire for unity which was forcing itself on colonial politicians. Culpepper proposes that none of the American plantations should be allowed to make peace or war without the knowledge and approval of the Governor and Council of Virginia, the one colony on whose loyalty the crown could reckon. Considering the attitude of the colonists to their Indian neighbors, such an arrangement would have been wholly impracticable. Yet the suggestion is interesting as marking, perhaps, the earliest definite recognition of the need for some sort of federal union.

The one point on which Culpepper seems to have been really anxious was to get away with all speed, and in seven months from the time of his landing he departed for England, leaving the colony under the command of Chicheley as Lieutenant-Governor.[1] Under his feeble rule, Virginia narrowly escaped a second rebellion.[2] Many of the planters, among whom Beverley seems to have been foremost, considered that the commercial interests of the colony would be benefited by a temporary suspension of tobacco-planting. Accordingly a bill was brought in with this object. The measure was lost. Thereupon the advocates of suspension sought to do by violence what they had failed to do legally. They assembled in force and cut down the tobacco crop on several plantations. The ringleaders were arrested. Three were hanged, the rest pardoned, one on the peculiar condition that he built a bridge. Beverley was one of the chief offenders. The Council issued an order that he should be arrested, and should surrender all the public documents in his possession. For nearly two years the chief public event in the colony was an undignified chase after the Clerk of the Assembly, with varied episodes of escape and recapture. The temper of his assailants was sufficiently shown by their refusing him a writ

The tobacco-cutting riot.

[1] Culpepper's arrival in May is fixed by his own report in *Entry Book*, No. lxxx. p. 378, and his departure in December by a letter from Spencer, *ib.*, p. 396.

These *Entry Books*, to which I shall henceforth often refer, contain authoritative and, I believe, contemporary copies of the more important colonial documents.

[2] Our knowledge of this tobacco-cutting riot is derived from the Report of the Council, Hening, vol. ii. p. 562, from two letters written by Sir Henry Chicheley, one a formal dispatch to the Lords of Plantations, the other a letter to Secretary Jenkins, both very confused documents, and from a letter written by Secretary Spencer. These are copied in *Entry Book*, No. lxxxii.

of habeas corpus, on the ground that the king must first be consulted. Finally, in May, 1684, he was bound over to keep the peace and set at liberty.

Culpepper's administration and its difficulties.

While the trial of the plant-cutters was yet pending, Culpepper returned. His attempts to evade his orders, and thus stand well both with the colonists and the government at home, were no longer successful. The Lords Commissioners condemned the proceedings of Culpepper and the Council concerning the resolution of the Assembly, and returned to the attack. They instructed the Governor to draw up an order expressing his displeasure at the conduct of the Burgesses, and requiring that the obnoxious resolution should be erased, while the Assembly was, if possible, to be forced into pronouncing its own condemnation by a resolution censuring the previous one. How far these instructions were carried out does not appear.

Another point in Culpepper's instructions struck directly at the rights and liberties of the Assembly. He was to claim the right of suspending Councilors, who should thereby be rendered ineligible for election as Burgesses. In defense of this measure it was alleged that Berkeley might have checked Bacon's insurrection at the outset, if it had been in his power to suspend the Councilors who favored the rebel leader.[1] This measure would have enabled the crown, with the aid of an unscrupulous Governor, to get rid of any obnoxious politician by first appointing him to the Council and then removing him. The measure was to be at once put in force against Beverley and Hill. Here, again, Culpepper declined to oppose himself to popular feeling, and by the advice of his Council, postponed the measure.[2]

In another of its aggressive attempts the crown fared better. Yet here its success seems to have been due partly to the ill-judged policy of the Assembly, and partly to the fact that Culpepper's own interests were enlisted in the question. Hitherto the Assembly had enjoyed the powers of a court of appeal. An order was made that no appeal should be heard except in cases of three hundred pounds value, and that in such cases the appeal should be direct to the crown. This measure was reluctantly accepted by the Assembly. If we may believe Beverley, that body had only itself to blame. The crown, he says, had no wish

[1] *The Present State of Virginia* (1727), by Blair, Hartwell, and Chiltern.
[2] *Colonial Entry Book*, No. lxxx.

to alter the existing law, till the Burgesses stirred up the question by claiming the right to hear appeals as a single chamber, apart from the Council, on the ground, not unreasonable in itself, that the Council had already, as a court of law, expressed its opinion. He adds that Culpepper himself, foreseeing the result, instigated the Burgesses to claim this right, and that his position as a great landholder, with a somewhat uncertain title, gave him a personal interest in the change.[1]

The official records of the time, while they show us Culpepper in almost constant disobedience to the crown, tell us little of his relations to the colonists. Later tradition represents him as actuated throughout his whole career by the meanest rapacity, losing no opportunity of increasing his own emoluments, and endeavoring to swindle the colonists by paying the public wages in light coin, on which he had himself put an arbitrary value.[2]

His supineness in enforcing the authority of the crown could not fail to exasperate the king and his advisers, and before long Culpepper gave them an opportunity of punishing him, and replacing him by a more efficient instrument. An Order of Council had been issued in 1680 forbidding any colonial governor to absent himself from his province without special leave. After a second stay of about half a year, Culpepper returned to England on the pretext that the state of the colony required him to report in person to the crown. There was nothing in the case to justify this deliberate contempt of orders, and Culpepper was at once deprived of office. Two years later he abandoned the larger share of his Virginian grant, retaining only a portion of the territory called the Northern Neck, and securing, instead of the remainder, an annual pension of six hundred pounds for twenty years.[3]

Lord Howard of Effingham seems to have possessed all the defects of his predecessor without his few redeeming qualities. There was in truth some similarity between each Governor and the king whom he served. Culpepper was grasping and unscrupulous and apparently without the faintest sense of puublic duty. Yet, like Charles, he seems to have possessed a conciliatory demeanor and a power of self-restraint in trifles which tempered the hostility of those whom he wronged. Howard, like James, had not the ingenuity to disguise his arbitrary measures under any show of lawfulness or reason.

Lord Howard succeeds to the Governorship.

[1] Beverley, p. 82.

[2] *Ib.*, p. 80.

[3] All these events are recorded in the *Colonial Papers* under their respective dates.

His instructions confirm in one important point what we have already learned from those given to Culpepper. Whatever may have been the doctrine of the next century, it is clear that the most arbitrary of our later kings, supported by the most subservient of his creatures, recognized the exclusive right of the Virginian legislature to impose their own taxes. In all matters concerning taxation Howard is to "recommend" the Assembly to adopt certain measures. Such a recommendation might be in reality a serious interference with the rights of the Assembly, but it left those rights unimpaired, at least in form, and furnished the colonists with a constitutional standing-ground for the future defense of their liberties.

His instructions.[1]

The only other noteworthy point in Howard's instructions was a clause which empowered him to grant liberty of conscience to Nonconformists. In this we see a foreshadowing of what was afterwards the avowed policy of the court in protecting dissent at the expense of constitutional principles.

We have more than once seen how the political life and public morality of Virginia took their color from those of the mother country. In his reckless disregard for constitutional rights, in his defiance of public feeling, and in the astounding folly with which he alienated those whom ordinary forbearance would have propitiated, Howard was a worthy counterpart of his royal master.[2] The claim to a dispensing power was exactly paralleled by Howard's contention that the Governor had a right to repeal the Acts of the Assembly at his discretion. The protest of the Assembly against this monstrous doctrine was treated as contumacious. When a meeting was held in the once conspicuously loyal county of Accomac to consider public grievances, it was summarily stopped by a member of Council. No proper accounts were given of the public funds, and the rights of the subject were interfered with by arbitrary imprisonment. Not only was Beverley deprived of all employment, but Ludwell, a man whose whole career had been that of a loyal and temperate citizen, was deposed from his place in Council and reported to the English Government as a disaffected person who only attended Council to oppose the king's interest, instead of advocating it, as he should have done. As a concluding proof of

His career as Governor.

[1] Howard's instructions are given in *Entry Book*, No. lxxxi. pp. 218, 261.

[2] His misdeeds are set forth in a petition from Ludwell, dated September 19, 1689, and transcribed in *Entry Book*, No. lxxxiii. Howard's answer is given in the same Entry Book. It is of a very flimsy character, and practically acknowledges the charges brought against him.

Ludwell's baseness, Howard mentions that a collector's place had been wasted in the vain attempt to buy him over.[1]

Most of these proceedings were only transitory attacks on private or public rights. One of Howard's aggressions had a more lasting influence. On the pretext of Beverley's misconduct he deprived the Burgesses of the power of electing their own clerk and transferred it to the crown. It was but lately that the Burgesses had acquired the right of sitting as a separate chamber apart from the Council, and it is not unlikely that this change had given them greater power of independent action which Howard's measure was designed to thwart. The effect of it was to make the clerk the creature of the crown, whereby it became impossible for the Burgesses to draft a petition or to adopt any measure of self-defense without the knowledge of the Governor and Council.[2]

In one important point Howard outdid the misdeeds of his master. Among the many faults of James II. rapacity found at least no conspicuous place. Howard begins his colonial career in the true spirit of a place-hunting courtier by petitioning for Baltimore's patent in the event of its being forfeited by misconduct.[3] He is charged with having imposed an elaborate and extortionate scale of stamp duties, and it was one of his grievances against the colonists that they lessened his emoluments by paying their dues in tobacco instead of specie.[4]

The revolution in Virginia.

In Virginia the second overthrow of the house of Stuart, like the first, was affected with tranquillity and ease. Torpor seems to have followed that overstrained excitement which had shown itself in Bacon's rebellion and in the troubles which followed. Under the corrupt government of Culpepper and his successor, political life had stagnated. The clause in Culpepper's instructions which limited Assemblies to special occasions was no dead letter, and for five years none met. All that we know of the state of affairs during the revolution is derived from private letters, which speak vaguely of the possibility of disturbances and of the dread of an attack by the Papists of Maryland.[5] The proclamation of the accession of William and Mary at once restored tranquillity, and the life of the colony

[1] Howard to the President of the Council for Trade, May, 1687. *Colonial Entry Book*, No. lxxxiii. p. 125.

[2] *Present State*, pp. 28, 40.

[3] The letter of May, 1687, before referred to.

[4] Beverley, pp. 85, 86. Letter of May, 1687.

[5] Letter from Secretary Spencer, April, 1689.

went on peacefully and, as far as appears, without the change of a single official.

It seems strange that the new government should have retained in office such a man as Howard, corrupt and incompetent in his administration, a Papist, and a supporter and imitator of James's worst measures. The evil, however, was soon modified by a remedy, equally bad in itself though in this single instance productive of no small good. Howard was allowed to retain his office as an absentee with half his salary, while his duties were discharged by a lieutenant. But before this arrangement was made Howard had received fresh instructions from the English government which are not without their interest. The order restricting the franchise to householders and freeholders was formally re-enacted. In two points the Governor was brought more directly under the control of the authorities in England. If he ever failed to send over the Acts of the Assembly for the approval of the crown, he was to be mulcted of a year's salary. His power of suspending Councilors was restricted by a resolution that it was not to be applied without special reasons, and that a statement of the grounds for suspension was to be laid before the crown. The most important part of the instructions is the clearness and fullness with which they recognize the right of taxation as vested in the Assembly. As before, certain taxes are to be "recommended" for their consideration. The Assembly is to be "persuaded" to pass an Act by which the Governor and Council should be allowed in cases of emergency to impose a duty, such duty to be accounted for at the next Assembly. It would be difficult to imagine a clearer or more definite acknowledgment of those rights for which the Virginians did battle eighty years later.[1]

Lieutenant-Governor Nicholson.

Howard's incompetence was not without its compensating advantages, since it brought on to the stage of Virginian politics the ablest man who had figured there since the days of Dale and Delaware. Francis Nicholson, who was now appointed Lieutenant-Governor, and who discharged all the duties of his absent chief, had already played a part, though no very distinguished or creditable one, in colonial politics. He had been in command of a troop of infantry with which James II. had sought to overawe the upholders of popular rights in his own colony of New York. Subsequently he had been promoted to

[1] These instructions are in *Entry Book*, No. lxxxiii. p. 306.

be Lieutenant-Governor of the same colony, and had fallen a victim to that outburst of popular fury which swept away the creatures of the fallen dynasty. The facility with which he transferred his services to the new powers shows that his notions of fidelity did not rise above the usual standard of his age. We may believe, too, without accepting all the charges made against his private character, that it was of the pattern current at Whitehall in the days of Sedley and Grammont. But it is no small praise of a public man trained in such a school to say that he was guiltless of all attacks on private rights, that he was clean-handed as a governor and a judge, and that he was honestly and laboriously attentive to the welfare of those under his rule. Nicholson, too, stands out as something more than an efficient and upright administrator. To him more than to any one man of that age belongs the credit of clearly seeing and setting forth that policy which the two next generations of statesmen adopted towards the colonies.

His views on the subject are already set forth in the vigorous dispatches which he sent from Virginia.[1] They clearly mark a departure from the earlier traditions of colonial policy. The original founders of Virginia sought to establish a self-supporting community with varied forms of productive industry. The natural conditions of climate and soil had decreed otherwise, and had forced the colony to depend on that one commodity which could be produced most efficiently and cheaply. Looking to the social and political welfare of the colony, the failure of all attempts to introduce manufactures to vary production was to be deplored. But a statesman who considered the economical welfare of the empire as a whole would have preferred that the resources of Virginia should be employed to the utmost profit by being exclusively devoted to tobacco. Such was the view set forth by Nicholson in the vigorous dispatches which he sent home from Virginia. He implores the home government to see that the supply of commodities for the colonists, especially of clothing, be exported in sufficient quantities and without delay, otherwise, he says, they will out of necessity take to manufactures instead of tobacco-planting, and the king's revenue will suffer. To us Nicholson's view may seem narrow rather than enlightened, but it was something, in an age when economical science hardly exist-

[1] These dispatches will be found among the *Colonial Papers* referring to Virginia about 1690. In mere style they are far above most of the documents which bear on our subject.

ed, to grasp and formulate definitely the sound principles of commerce.

In another and a worthier manner Nicholson anticipated the ideas of a later day. He saw that the danger of French encroachment was making some kind of union between the colonies a necessity. We find him, while Governor of Virginia, casting a vigilant eye on the other colonies, inquiring into their means of defense, and conferring, both in person and by deputy, with the local authorities in the Northern plantations. Following up and carrying yet further the suggestion made by Culpepper, he advocates a defensive confederation of the colonies under the supremacy of the loyal colony of Virginia.

The same clear-sighted energy marked his whole administrative career. Immediately on his arrival he proceeded to correct the reports sent home by his superior as to the military condition of the colony. Howard had given a rose-colored report of the fortifications and of the efficiency of the militia. On both these points Nicholson at once reports the urgent need of reform. The forts, he says, are dilapidated, and the militia badly organized and ill disciplined.

The most conspicuous feature in Nicholson's policy had to do with the educational and religious condition of the colony. The neglect of these matters had been for nearly half a century a constant cause of complaint. Acts had been passed for the maintenance of the clergy, for the preservation of churches, and for the foundation of schools.[1] In 1661 a Virginian clergyman, Philip Mallory, was sent to England by the Assembly to lay before the crown the state of religion in the colony.[2] In the same year the condition of the Church in the plantations generally, and more especially in Virginia, was brought before the notice of Sheldon, with a scheme for the establishment of a bishopric and the insuring a more liberal and certain emolument to the clergy, aided by missionary fellowships in the two universities.[3] The project was even carried so far that a bishop was actually chosen. But probably some court intrigue stood in the way, and Virginia was left in the state of spiritual destitution described by Hammond and Berkeley.[4] They tell us

The Church in Virginia.

[1] Hening, vol. i. pp. 121, 160.

[2] *Ib.*, vol. ii. p. 34.

[3] *Virginia's Cure*, by R. G. Published in Force, vol. iii.

[4] Anderson's *History of the Colonial Church*, 1856, vol. iii. p. 358. He refers to Gadsden's *Life of Bishop Dehon*, an American work of the present century. I should infer that Anderson had also other authorities. The laborious and trustworthy character of his book is stamped on every page.

that the Virginia clergy "paddled in factions and state matters," that they were "such as wore black coats and could gabble in a plupit, roar in a tavern, exact from their parishes, and rather by their dissoluteness destroy than feed their flock,"[1] and that "as of all other commodities, so of these, the worst are sent to us."[2] The size of the parishes, sometimes stretching for seventy miles along the banks of a river, made it impossible for a single minister to exercise any due control or supervision, or even to administer the ordinary rites of religion.[3] The dead, from the same difficulty of transport, were commonly buried in unconsecrated ground.[4] The stipend of the clergy was paid in tobacco, and the fluctuations in the value of that commodity gave rise to more than one dispute, and was a constant source of ill-feeling between the clergy and the laity.[5] Moreover, though Berkeley's instructions after the Restoration had ordered an endowment for the clergy, no provision seems to have been made for legally enforcing the payment of the stipend. Thus the order remained a dead letter, and the clergy were in common phrase "hired" by the vestries.[6] An arrangement which gave nothing but a precarious livelihood, dependent on the good-will of a congregation, was little likely to tempt men of ability and character to face the hardships of colonial life.

Nicholson's antecedents and character were hardly those which we should associate with an earnest advocate of religion. But in the age of Lawrence Hyde and John Churchill sound church principles did not necessarily involve a high standard of private or public morality. Nicholson, too, was shrewd enough to appreciate the political and social advantages of a church establishment, and the power which it would have in binding the colony to the mother country.

James Blair.

Any want of genuine religious zeal in the Lieutenant-Governor was fully made up for by his chief colleague. James Blair might be not inaptly described as a colonial Burnet. In each of them an Anglican training had left unimpaired the

[1] *Rachel and Leah*, pp. 9, 20.

[2] Berkeley's report in Hening, vol. ii. p. 517.

[3] This is stated in a letter addressed by Morgan Godwyn, a clergyman who had held preferment both in Virginia and Barbadoes, to Sir William Berkeley. The letter is appended to Godwyn's *Negroes' Advocate*, of which I shall have occasion to speak again, p. 172 (ed. 1680). Cf. *Virginia's Cure*, p. 4.

[4] Hugh Jones's *Account of Virginia*, 1727, p. 67.

[5] This is set forth in a memorial presented by the Virginian clergy to Sir Edmund Andros in 1696, quoted by Anderson, vol. iii. p. 389. Cf. Wirt's *Life of Patrick Henry*.

[6] Blair's *True Account*, p. 65. Godwyn, p. 168. Beverley, p. 229.

energy and strong will of the Scotchman. Neither of the men possessed much of that discretion and sobriety which is among the chief characteristics of their race. Indeed, it is pretty clear that Blair's hot temper and unbridled tongue often made him a troublesome ally, and more than once hindered and discredited his great work in Virginia. In his own day he achieved considerable literary reputation by sermons, whose sober yet flowing style and restrained rationalism, clearly show the influence of Tillotson. But the pupil could hardly expect that immortality which has been denied to the master, and we have only to deal with Blair, in his colonial career, as the strenuous and successful advocate of religion and education. In 1685, after a career of ten years as a London preacher, Blair went out to Virginia, with no formal authority, but, it is said, under the advice and support of Bishop Compton. After the revolution, simultaneously with Nicholson's appointment as Deputy-Governor, Blair was nominated Commissary for Virginia by the Bishop of London.

The duties of the Commissary were to inspect and report upon the Virginian church, and to administer discipline. Blair at once began his labors by a proclamation against immorality, and by making arrangements for meetings of the clergy.[1] We may well believe, too, that his influence was the cause of an Act passed in 1696, fixing the stipend of the clergy, and providing glebes and parsonage houses in every parish.[2] It is clear from what we read of the state of the Virginian clergy in the next generation that this measure was but partly successful, and that many of them were still left dependent on the precarious good-will of their scattered congregations.[3]

Blair's labors on behalf of education were more successful, and have left more abiding traces in the records of the colony. In 1690 we find him, together with four other of the chief clergy in the colony, petitioning the merchants of London to assist in the foundation of a college in Virginia.[4] His application met with a liberal response, and two thousand five hundred pounds was contributed.[5] This fund was increased by the liberality of Nicholson, who handed over three hundred pounds, voted to him by

[1] In the *Colonial Papers* for 1690.
[2] Hening, vol. iii. p. 151.
[3] Jones (quoted above).
[4] *Colonial Papers*, July 25, 1690.
[5] A memorial from the Assembly to the home government in 1692 states this sum at two thousand pounds. Beverley says two thousand five hundred.

the Virginia Assembly under the special and exceptional permission of the crown.[1]

In 1691 Blair went to England as the authorized representative of the Assembly, to petition for the establishment of a college. The subjects to be taught were expressly set forth in his petition.[2] They were to be Greek, Latin, Hebrew, Philosophy, Mathematics, and Divinity. In order that the college might not be without an advocate at court, the Assembly proposed that a Chancellor should be elected, resident in England, to hold office for seven years.[3]

Proposals for a college.

The only opposition to the proposal was on financial grounds, and the discussion which ensued raised questions of no small importance as to the relations between the colony and the mother country. The memorial laid before the crown on behalf of the Assembly proposed that a fund of about two thousand pounds, consisting of accumulated quit-rents, should be appropriated to the college. The objection that these quit-rents are needed for purposes of defense is met by anticipation with the argument that the Governor and Council have power to levy a special rate for military objects. At the same time the memorialists somewhat indiscreetly avow their wish that the crown and Governor may not be enabled to dispense with Assemblies, which they "hold as necessary for their liberties as Parliaments for the people of England."

This memorial was submitted to a small committee consisting of Godolphin, Hampden, and Montague.[4] As we have it at present, it is accompanied by two sets of marginal comments, one of which was probably the work of the three Whig statesmen, while the other seems to have proceeded from some one more intimately connected with colonial administration and more familiar with its details. The former approves of the college, but questions whether the crown can afford the endowment. The latter, while not actually opposing the college, makes light of the

---

[1] The leave of the crown to make the gift is specially asked in a memorial from the Assembly, October, 1691. Beverley (p. 88) states that Nicholson gave half of it to the college. Blair, on the other hand, states that Nicholson gave three hundred and fifty pounds.—*True Account*, p. 67.

[2] Blair's instructions from the Assembly are given in the *Colonial Papers*.

[3] This is not mentioned in the instructions, but in a later memorial from the Assembly.

[4] The memorial, and the two sets of comments on it, are all to be found in the *Colonial Papers*. Unfortunately, they are all copied in a hand not otherwise known, and their authorship can only be a matter of conjecture. But it is expressly stated that the memorial was submitted to the three statesmen named.

need for it. The line taken as to the financial relations between the crown and the colony faintly foreshadows the disputes of the next century. The king and his advisers, says the writer, can better judge of the necessities of taxation than the colonists. If the crown is to enjoy a proper amount of influence in the colony, it must not be wholly dependent on the good-will of the Assembly for its revenue. If the accumulated fund can really be spared, it would be better employed, he suggests, in buying up those quit-rents which were in the possession of Culpepper.

At the same time the question of taxation was raised in a different form. Blair was accompanied to England by one Jeoffry Jeoffry,[1] who was sent home as an agent by the Assembly to petition for a charter, and more especially for a formal declaration that no tax should be levied save by consent of the Assembly. That right had already been implicitly acknowledged in Howard's instructions, and we may doubt the wisdom of the colonists in thus challenging a contest on the point. Of the details of Jeoffry's mission we know nothing, save that it bore no fruit, and that the whole question of taxation was suffered to remain in the undefined region of precedent.

The application for the college fared better. The king disregarded the cautions of those who wished to retain the accumulated funds, and in 1692 the college was formally incorporated by charter. The endowment was formed by the voluntary subscriptions already mentioned, and by the gift of the accumulated quit-rents. A yearly income was provided by a grant of twenty thousand acres, of a duty of one penny on every pound of tobacco exported from Virginia or Maryland, and the right of farming the chief surveyor's place, a right valued at fifty pounds a year. The Assembly over and above granted a hundred pounds a year by a duty on skins and furs.[2]

The satisfaction of the colonists at the foundation of the college was damped by an event which immediately followed. In 1694 the death of Lord Howard left the governorship vacant. Nicholson's services might well seem to give him a paramount claim to the vacant place. The king, however, conferred it on Sir Edmund Andros, a worthless placeman, who had shared with Nicholson the odium which surrounded the last Stuart reign, but had no such services to set off

Sir Edmund Andros becomes Governor.

[1] Jeoffry's instructions are given in the *Colonial Papers* following Blair's.
[2] *A True Account* p. 66.

against his early misdeeds. The dissatisfaction which Nicholson justly felt at being thus passed over was increased by some previous quarrel with Andros. So bitterly was this appointment resented by the people of Virginia that it was deemed unsafe to retain Nicholson in office lest his popularity should cause a faction against the Governor. At the same time Blair, from whose letters our knowledge of this affair is chiefly derived, testifies that no suspicion of disloyalty could justly attach to Nicholson.[1] The Lieutenant-Governor was consoled by the governorship of Maryland. Andros only held office for two years, and in 1696 Nicholson returned to Virginia as Governor. One of his first acts was to transfer the capital to a new site. The place chosen was some ten miles north of Jamestown, about equidistant between the York and James Rivers, and thus enjoyed more immediate communication with the northern parts of the colony. The name of Williamsburg was bestowed in honor of the king, and with a fantastic pomposity savoring of the time, the ground plan of the new city was laid out in the shape of a W. The attractions of Williamsburg did not wean the planters from their country life, and, like its predecessor, the new city was but the seat of government, and neither for social nor mercantile purposes the capital of the colony.

Meanwhile the college was advancing, and before Nicholson's term of office had come to an end two sides of the quadrangle which the building was designed to form were completed. A few years later, however, a fire undid all that had been accomplished, and when Beverley wrote, in 1720, though the damaged buildings had been restored, no further progress had been made.[2]

Foundation and history of the college.

The charter of the college placed it under the governorship of a body of trustees, who were to nominate a President and six, afterwards raised to ten, Fellows. The former was to receive a hundred and fifty pounds a year, the latter eighty pounds each. The students were to be a hundred in number. They seem to have been only in the position of commoners at an English college, and to have received no benefaction, nor did the charter give any power of conferring degrees. The first President was Blair, who remained in office for nearly fifty years.[3]

[1] All this is stated in a letter from Blair to Blathwayt, written from Portsmouth, May 29, 1693.

[2] Beverley, p. 232.

[3] The charter is given as an appendix to the *True Relation*.

By 1700 the academic life of the place was sufficiently established to enable the authorities to hold a solemn commencement, for the delivery of prize compositions and exercises. Tradition tells us that the novel spectacle brought visitors not only from the neighboring colony of Maryland, but even from New York, and that the very savages visited Williamsburg for the pageant.[1] The dreams of Raleigh and Gilbert might seem fulfilled when the countrymen of Manteo looked on at ceremonies transplanted from the banks of Cam and Isis.

Yet we may well doubt whether the college did much for the colony. About thirty years later one of its own Fellows pithily described it as "a college without a chapel, without a scholarship, and without a statute, a library without books, a President without a fixed salary, and a Burgess without electors."[2] It is evident, too, from other accounts, that it was nothing better than a boarding-school, in which Blair had no small difficulty in contending against the extravagance and license engendered by the home-training of his pupils.[3] There was no lack of mental culture in Virginia. While the accomplished and highly trained country gentlemen of the seventeenth century, the Elliot or Hampden, had gradually degenerated into the Sir Roger or Squire Western of the eighteenth, the Virginian planter had risen in the scale. But the young colonist was either taught by a tutor who was often also the domestic chaplain of the plantation, or was sent for education either to one of the northern colonies or to the mother country. The College of William and Mary had but a small share in training that generation of Virginian statesmen who left so deep an impress on the history of the world.

---

[1] Campbell's *History of Virginia*, quoted by Mr. Tyler, *History of American Literature*, vol. ii. p. 261.

[2] Jones, p. 83.

[3] There is a curious account of a barring-out row given in a pamphlet called a *Modest Answer to a malicious Libel against his Excellency, Francis Nicholson.* Nicholson had been accused of abetting the rioters.

CHAPTER X.

THE FOUNDATION OF MARYLAND.[1]

Contrast between Virginia and Maryland.

In passing from the history of Virginia to that of Maryland we at once feel that our subject has lost interest, alike biographical and constitutional. The setting sun of the Elizabethan age seems to throw back its last beams on the founders of Virginia. Something of the spirit of Hore and

[1] The chief authorities for the early history of Maryland are:—

1. A pamphlet published in Force's collection, vol. iv., and entitled *A Relation of the Colony of the Lord Baron of Baltimore.* This is a report sent home by one of the Jesuits who accompanied the colony and copied from the Archives of the Jesuit College in Rome. Force's version is a translation from the original Latin. It gives a vivid and somewhat garrulous account of the voyage, the early life of the settlement, and where religion does not come into play, it is a valuable authority.

2. A manifesto on behalf of the colony, entitled *A Relation of Maryland.* London, 1635. This is described in the text.

The disputes between Maryland and Virginia are set forth in a number of party pamphlets. The Puritan (*i. e.*, the Virginian) side of the question is stated in a pamphlet entitled *Virginia and Maryland, or the Lord Baltimore's Case uncased and answered:* 1655. Force, vol. ii. On the other side, we have Hammond's *Leah and Rachel* (Force, vol. iii.), already referred to, and another printed pamphlet by the same writer, entitled *Hammond* v. *Heamons.* This is among the *Colonial Papers*, 1655. There is also a Puritan pamphlet, entitled *Babylon's Fall*, by Leonard Strong, and an answer to it by one Langford. The latter is in the British Museum. I have been unable to find a copy of the former.

Mr. Bozman's *History of Maryland*, published in 1837, is an invaluable magazine of information as to the early constitutional history of the colony.

The work is diffuse, but contains all that could be learned on the subject. Mr. Bozman had access to all the early archives, and has often incorporated extracts from them with his work, which is in fact as much a calendar of documents as a continuous narrative. Unfortunately the author's early death prevented him from continuing his work beyond 1658.

As was natural from the character of its government, Maryland figures far less prominently than Virginia in our own Colonial Papers.

The principal collection of documents specially relating to this colony is Bacon's *Laws of Maryland.* This contains all the enactments of the Assembly still extant. Some of these are given in full, of some the titles only are published. Fortunately, those of chief importance, those, namely, which relate to the time of the Commonwealth, are published in full, and are for the most part incorporated with Mr. Bozman's work.

The career of the first Lord Baltimore has been well worked out by Mr. Kirke in his *Conquest of Canada* (1871).

Mr. Neill has collected various facts relating to the early history of Maryland in a work

Gilbert lingers on the exploits of Smith and the far-seeing enterprise of Dale and Delaware. If we measure men by the permanence of their work or by the harmony of their practices with the accepted theories of later ages, the founder of Maryland deserves a high place in history, but from no point of view can we find much that is striking or attractive in his character. The struggle between the crown and the Virginia Company, a struggle which no Englishman who has learned to value constitutional freedom can look upon unmoved, has no counterpart in the case of Maryland. So, too, with the constitutional history of the two colonies. In the case of Virginia, we see how a community of Englishmen, left to fashion their own institutions, wrought out, by a process of half-conscious imitation, a system of government modeled on that of the mother country. The constitutional history of Maryland repeats the same process on a smaller scale, hindered at times either by the will of the founder or by disputes springing out of his personal rights and position.

The proprietary principle.

In one respect the colonization of Maryland may be looked on as a step backward. The failures of Gilbert and Raleigh had led men to transfer the responsibilities of colonization from individuals to a corporation. The position of Lord Baltimore as the proprietor of Maryland was a return to the earlier idea. But Gilbert and Raleigh seem to have felt that they were acting as public servants, as the trustees of a great national interest. Their attitude was in some sort like that of individual citizens in the ancient republics of Greece, when wealth and high birth carried with them an implied, though not a formal, obligation to undertake great public duties. Lord Baltimore, as far as we can see, went into the task of colonization as a great English landed proprietor of the better sort administers his estate, conscientiously and with a due regard to the welfare of the persons on his territory, but without any special sense of responsibility towards the community. The position of Lord Baltimore was indeed that of a great English landholder with enlarged powers, transferred to a sphere in which the special rights and powers of a landlord were neither indigenous nor congenial, and the result, as may be supposed, was not always satisfactory.

---

called *Terra Mariæ*. The most valuable part of this book lies in its contributions to the religious and social history of the colony between the Restoration and the Revolution.

Mr. Neill has also devoted two chapters of his *English Colonization* to Maryland, but he has done little more than collect and epitomize the various documents in the *State Papers*, and his treatment of the subject is marked by a violent bias in favor of Puritanism.

The history of Maryland begins with Cecilius Calvert, the second Lord Baltimore. But the position and character of his father had their influence on the colony, and have therefore a claim on our attention. George Calvert was among the lower rank of those men who in the reigns of Elizabeth and her successor rose in the favor of the crown from a moderate station to eminence and wealth. His public career began in the employment of Sir Robert Cecil. Thence he was promoted to the clerkship of the Privy Council, and his further progress in the favor of James I. was marked by his knighthood in 1617, and by his promotion to one of the Secretaryships of State. He was, according to common belief, among the foremost advocates of the Spanish marriage, and the failure of that scheme and the total change in our foreign policy which followed, shattered his political hopes and fortunes. Calvert's next step, his conversion to Romanism, was practically an acceptance of defeat, as it entailed a retirement from public life. Weak and unpatriotic as was the policy of the Spanish party, yet it was the act of an honest and conscientious man to identify himself fully with a cause at the very moment of its overthrow.

Sir George Calvert.

Calvert's career as a colonist began with his retirement from public life in England. Though his conversion cost him his place, he did not forfeit the favor of his master. He was consoled by large grants of land in Ireland, and by the title of Lord Baltimore. In addition to these he received from the king the grant of a territory in Newfoundland. The form of the grant is of some interest as foreshadowing the constitution of Maryland, and as being the first of the numerous proprietary governments created by the Stuarts. It gave to Calvert and his successors full legislative power, only limited by the clause, that their enactments must be as near as conveniently might be to the laws and customs of England, and that they must not interfere with private property nor be contrary to reason. The demand for public representation was contemplated and refused on the ground that many "sudden accidents" might arise requiring immediate legislation. In short, the sovereignty of the proprietor was slightly and imperfectly limited as against the crown, unlimited as against his subjects.

His attempts at colonization.[1]

[1] I have taken all the details concerning Sir George Calvert from Kirke and Bozman, comparing them with the authorities to which they refer. His patent for Newfoundland is in the *Colonial Papers*, 1623, April 7. His letters thence are in the same collection.

The climate of Newfoundland, however, was a more practical hinderance to Baltimore's success than any constitutional difficulties. At first all seemed to prosper. In 1623 a small settlement was founded, and in two years' time it achieved such rapid prosperity, that Baltimore himself went out with his family to establish himself as the resident ruler of his little principality. His hopes were soon dashed and troubles came fast. French privateers followed the example of Argall, and would fain have dealt with Baltimore as his countrymen had dealt with Poutrincourt and the Jesuits. The assailants, however, only succeeded in capturing two fishing vessels. Baltimore fortunately had two ships of war with twenty-four guns, with which he attacked and routed the would-be invaders. But no sooner had he disposed of the enemies of his country than he was beset by the enemies of his religion. Already a few scattered communities of Puritans, encouraged, it may be, by the success of the Plymouth colony, had established themselves in Newfoundland. In 1627 a leading Puritan divine, Erasmus Stourton, came back from Newfoundland with a tale of Baltimore's enormities. Not only was he accompanied by three priests who said mass every Sunday, but a Presbyterian had been forced to submit his child to Popish baptism. To a mere worldly politician it might have seemed desirable to have a peaceful refuge across the Atlantic, where Papists might celebrate their own rites in quiet, instead of hatching Gunpowder Plots and fostering Irish rebellions at home. But with the Puritan of the seventeenth century, as with the Papist, persecution was not a question of political expediency, but a direct mode of rescuing souls from the evil one. Stourton's grievances were brought before the Privy Council. Whether that body would have cared to help a Nonconformist in annoying a moderate and inoffensive Papist, who stood high in the favor of the court, is at least doubtful. The question, however, was not tried. Baltimore soon found that the accounts of the soil and climate which his agents had sent him were over-colored. In 1629 we find him writing home a pitiful letter to the king, telling of the troubles which had befallen himself and his followers. From September to May sea and land alike were bound in an almost uninterrupted frost, and out of a hundred settlers half had been sick and ten had died. Nevertheless Baltimore did not give up his scheme for colonization. The frosts of Newfoundland, and the fanaticism of its Puritan occupants, had baffled him; he might fare better in the

genial climate and among the moderate Churchmen of Virginia. Accordingly he, and, as it would seem, his whole colony, emigrated, and sought to establish an independent plantation on the territory of the Virginia Company. It is probable that Baltimore's whole retinue was little, if at all, larger than that of some of the great Virginian planters. But his antecedents, his religion, his favor with the court, and his previous attempts to establish a colony of which he should be the almost independent ruler, might well make the Virginians view him with disfavor. The moderate Anglican and constitutional party, who had been the backbone of the Virginia Company, were almost as intolerantly hostile to Papists as were the Nonconformists themselves, and the so-called Cavalier Colony seems to have been imbued with the spirit of its founders alike in its religious and political feelings. Accordingly Baltimore found himself at once met with a demand that he should take the oaths of supremacy and allegiance.

Baltimore's conflict with the Virginians.

This procedure is set forth in a memorial addressed to the king, and signed by Pott, then temporarily Governor, and by Clayborne, Mathews, and West, all leading members of the popular party. Their hostility to Baltimore is shown by the statement that he "utterly" refused to take the oaths, while they themselves inclose a modified form of subscription, no longer extant, which he himself proposed. The claim of the Assembly to administer this oath was based on the instructions of King James. This, beyond doubt, refers to a clause in the third charter of the Virginia Company, by which the President and Council, or any two of them, should have power to administer these oaths to all settlers. It was certainly a singular interpretation which extended this authority to any power extant in Virginia after the dissolution of the Company.

The two tests required from Baltimore differed somewhat in their nature and object. The oath of supremacy required by statute in the first year of Elizabeth, was more than a mere check on the treasonable designs of Papists. It was fitted and in all probability designed to drive all conscientious Papists out of the kingdom, since it compelled them to abjure the spiritual and ecclesiastical sovereignty of the Pope within Great Britain. It was an oath to be administered by officers especially appointed by the crown for that purpose, at such times and to such persons as they should think fit. It was, in short, a formidable and exceptional weapon, entrusted to the sovereign for his own re-

fense, and not intended to be put in force against peaceable citizens. The oath of allegiance was less exacting in its character, but more widespread in its operation. It simply required the taker to renounce the temporal sovereignty of the Pope within the realm of England. This oath might be administered at any time by two magistrates to any person below the rank of a peer. Baltimore therefore was himself exempted by the very words of the statute. This exemption did not extend to his followers. Yet it is hard to see by what legal title the Virginian Assembly could claim the powers of an English magistrate. Even if we grant that the emergency justified such latitude, assuredly the Virginians weakened their case by the grounds on which they based it. However the matter might be, it was at least certain that no power could be conferred on the Assembly by a clause in an instrument which never even contemplated the existence of such a body.[1]

The expediency of these dealings with Lord Baltimore is a more important question than their lawfulness. If he had been a man of ordinary temper, if he had not been succeeded by a son who combined the same passion for colonization with a far greater amount of energy and pugnacity, it is possible that the policy of Virginia would have attained its object, and the settlement of Maryland have never come into being. Baltimore, however, seems to have combined a peaceable and not very energetic temper with a large share of quiet perseverance. He allowed himself to be hunted out of Virginia by the hostility of the Assembly as he had been hunted out of Newfoundland by the united influence of the climate and of the Puritans. But instead of abandoning his scheme, he returned to it in a form which, whether by design or not, amply avenged on the Virginians the wrong they had done him. In April, 1632, he received from the crown a grant of land lying to the north of that actually settled by the Virginia Company, but overlapping by more than a hundred miles the territory formally included in the original Virginia patent.[2]

If, as we may well believe, this grant was due to Baltimore's favor with the crown, a delay of a few weeks might have prevented the colony of Maryland from ever coming into existence. In April,

[1] These proceedings are described in a memorial from some of the leading Virginians. *Colonial Papers*, 1629, November 30.

[2] The grant and charter are published at the beginning of Mr. Bozman's second volume.

1632, Lord Baltimore died, and was succeeded by his son Cecilius Calvert. That he was a far more energetic and practical man than his father is clear enough, but beyond that his character is a riddle. His is one of those not uncommon cases where a wise policy may have been adopted without any specially wise motives, and where cautious moderation may have assumed the guise of noble self-denial. Cecilius Calvert had to deal with astute and unscrupulous enemies; in his struggle with them he resorted to no unfair means, he never was betrayed into an act of rashness, and his policy of moderation and apparent self-restraint served him better than the best concerted scheme of opposition. Above all, he was tolerant in an age of almost universal intolerance. All this is high praise. Yet a man may be below the temptation to persecute rather than above it, and a cynical indifference to lofty ends may save him from the errors of nobler men. There is nothing to show that Baltimore stood high in the opinion of those who would naturally have sympathized with his aims and actions. There are slight yet significant events which throw discredit on his motives. Which view of his character is the correct one will be best seen as his career unfolds itself.

The grant of Maryland.

The Maryland charter is full of interest as being the first proprietary constitution that bore any actual fruit. It conferred on the grantee probably the most extensive political privileges ever enjoyed by an English subject, since the great houses had bowed before the successive oppression of Yorkist and Tudor rule. It may be looked at from two points of view; it established certain relations between the Proprietor and the English crown, and others between the Proprietor and those whom we must call his subjects. As to the first, it made Baltimore in his proprietary character almost independent of the crown. The only limitation to this was a clause, requiring that all churches and places of worship in Maryland should be dedicated and consecrated according to the ecclesiastical laws of the Church of England. It cannot be supposed that this was intended to interfere with the free exercise of the Romish religion, but merely to prevent it from asserting a claim to be an established religion on an equal footing with the Church of England in the colony. That Baltimore should have accepted this clause is significant, as it quite dispels the idea that he intended his colony as a special refuge for his own sect, a stronghold for persecuted

Character of the charter.

Romanism. In all other respects the Proprietor was absolved from all reference to the crown. No doubt there was an implied condition that his proceedings should be in accordance with the interests of the mother country, and should not in any way violate public policy, and no doubt any such violation might have formed a ground for special interference. But there is a wide difference between such special appeal and the constant necessity for submitting all legislation for the approval of the crown, as in the case of Virginia.

As towards his subjects the position of the Proprietor was very vaguely defined. He was instructed to make laws with the advice, assent, and approbation of the freemen or of the greater part of them, or their representatives. But what constituted a freeman, by what process or on what system his representative was to be selected, what, in short, was to be the machinery by which the rights of the commonalty were to be secured, all this was left to the Proprietor himself. Furthermore, it was specially provided that in cases where the emergencies of the colony rendered it inconvenient to summon a representative body, the Proprietor should have power to make ordinances which should have the force of laws. At the same time this clause was deprived of all danger, and one would have supposed of all force, by the provision that such ordinances were not to affect any man in his life or goods.

One main point in the charter deserves notice, not for its immediate, but for its distant importance. It was specially provided that no tax should be levied by the crown on any person in the colony or on any goods within the colony. The clause itself was declared to carry with it the full force of a discharge in case any attempt should be made by judicial proceedings to enforce such an impost, and with a somewhat rash zeal for finality, the displeasure of the crown was denounced against those who should at any future time disregard this mandate.

Opposition to the grant.

This grant was not suffered to pass without opposition. The old members of the Virginia Company who had not yet abandoned all hopes of recovering their chartered rights, and also the actual settlers in Virginia, lodged protests before the Privy Council. The former of these documents is still extant, and serves well enough to show the general grounds on which those interested in Virginia were hostile to the new colony.[1]

[1] *Colonial Papers*, 1632, June.

In the first place, Baltimore's patent was a distinct intrusion on their territorial limits. The memorialists then point out the dangers of the unlimited power of taxation and legislation conferred on Baltimore. Lastly, they dwell on a point of great importance, and one that is a key to much which otherwise might seem inexplicable in colonial politics, the difficulties, namely, in which the settlers might be involved by the policy of an independent neighbor. The Marylanders might sell arms to the Indians, or if they took land without payment, or otherwise ill-treated their savage neighbors, their misdeeds would be set down without discrimination to the account of the whole white race.

There is no trace of the precise nature of the complaint made by the Virginian planters. Neither remonstrance, however, produced any effect. The Privy Council ordered a conference between the parties, of which we have no particulars. It then enjoined them to keep the peace towards one another, and to trade together amicably; and in conclusion, told the aggrieved parties to seek a remedy by process of law. At the same time a general injunction was sent by the crown to the Virginian colonists, ordering them to befriend Baltimore and his followers. The result of this injunction has been already seen.[1]

Baltimore himself did not accompany his colonists. In his stead he sent his younger brother, Leonard Calvert. The party was embarked in two ships, and numbered some three hundred, the greater part of them handicraftsmen and husbandmen.[3] Baltimore does not seem to have been reduced, like almost every colonizer who had gone before him, to stock his community with the scum and offscouring of the old country. In this respect we cannot doubt that he gained by following in the footsteps of the Virginia Company, and, in a less degree, of the New England Puritans. These examples had already shown that an American colony might be something better than a refuge for the helpless and destitute, that it might be a place where energetic men could reproduce in a rough form the varied enjoyments and activities of the mother country.

The first settlement.[2]

Whether the majority of the colonists were Papists or Protestants is a point on which we cannot get beyond inference. There is, however, distinct evidence that there were numbers of both creeds among them. That the co-religionists

Its religious character.

[1] *Colonial Papers*, 1633, July 3 and 12.

[2] In the account of the voyage and first settlement I have followed White.

[3] A letter from Baltimore to Strafford, quoted by Mr. Neill (*English Colonization*, p. 239).

of the Proprietor were in a majority is at least probable from the fact that the expedition was accompanied by two Jesuit missionaries. To one of them, Father Andrew White, we owe a picturesque, though not always trustworthy, account of the voyage and of the early days of the settlement. It would have been very unlike the caution and worldly wisdom of Baltimore to risk the collision which must almost inevitably have followed, if a body of colonists, mainly Protestant, had been exposed to the proselytizing zeal of the two Jesuits. There seems reason to think, too, that the composition of the colony was suspected by the authorities in England, since on the very eve of departure, the ships were ordered back to Gravesend, and the emigrants compelled to take the oath of allegiance.[1]

The result of this and other delays was that the ships did not leave England until late in November. On the 22d of that month they weighed anchor from Cowes, where, as has been conjectured, they may have touched for the purpose of taking on board the two Jesuits. The delay in sailing was in the end no small gain to the settlers. If the ships had sailed at the time originally fixed, they would have crossed the line in a season of great heat, and the emigrants would have had to put up at the same time with the hardships of a new country and with the severity of winter. Instead of this they passed the winter in the genial climate of the West Indies, and found their new home ready to receive them in all the beauty and abundance of spring.

The voyage.

In the last week of February the colonists arrived off Virginia. Their first dealings with their neighbors did not bode well for their future relations. Calvert announced that a certain territory called the Isle of Kent, which had already been occupied by Virginians, was part of Maryland. No immediate attempt was made to resist the claim, but, as we shall see, it formed the central point on which a prolonged contest turned.

Establishment of the colony.

Calvert seems to have been cautious and deliberate in his choice of a site. He cruised along the northern shores of the Potomac, dealing in a friendly manner with the natives, and aided by one Henry Clay, who seems to have been an independent squatter on an outlying portion of the Virginian territory. To his advice was due the final choice of a site, on the northern shore of the Potomac. The banks of a tributary stream falling

[1] *Colonial Papers*, 1633, October 19.

into the main river had been recently stripped of its inhabitants, the Yoacamacoes, who had fled before the hostility of the Susquehannocks. The settlers established themselves along this stream, named by them St. George's River. All the material conditions of life seemed favorable. So good was the first yield of corn that the settlers were able to export some to New England. The natives aided the strangers in the chase. The first report sent home declared that "nothing was wanting which might serve for commerce or pleasure."

Beyond these scanty fragments we know nothing of the social or political life of the colony during its first year. In 1635, twelve months after the settlers landed, a legislative meeting was held.[1] This appears to have consisted of all the freemen of the colony. Its only recorded act of legislation was a statute declaring that all offenders guilty of murder or felony should suffer the same pains and forfeitures as they would for those crimes in England. It is, however, of little moment what were the proceedings of this Assembly, since they were all annulled by the Proprietor. This, it has been plausibly thought, was intended by him as a claim to the right of initiating all legislation.

The first Assembly.

In the next year Baltimore took an important step by definitely declaring what should be the system of land tenure in his principality.[2] This system resembled in principle that of Virginia, though not identical with it in detail. It contemplated two classes of proprietors. Firstly there were those who exported a number of adult laborers, and who in return received not less than a thousand acres of land. Their tenure varied according to the time of their emigration. Those that went out in the first year received for every five men imported two thousand acres at a quit-rent of four hundred pounds of wheat. In the case of those who followed in the next two years, the quit-rent was raised to six hundred pounds of wheat, while the requisite number of laborers was changed to ten. For those that should come later, the proportion of land to laborers was retained, but the rent was changed to two pounds sterling in value, to be paid in the produce of the country. Estates of this class were created manors, and the proprietors themselves were invested with the right of holding courts baron and courts leet.

System of land tenure.

Beside this, provision was made for small landholders. These

[1] Bozman vol. ii. p. 34.

[2] *Ib.*, vol. ii. p. 35.

were to receive a grant of a hundred acres for themselves, another hundred for their wives and for each child, and fifty for every man-servant or maid under forty. The rents to be paid by this class of proprietor varied with the time of emigration from ten pounds to sixty pounds of tobacco, or one shilling in money, for fifty acres. Women, too, who went out at their own cost were to have an allotment of fifty acres with a like quantity for each child.

Extension of the colony.

The process by which the colony extended its borders is not specially recorded. But by 1638 the colonists had spread across St. George's River in sufficient numbers to justify the creation of a fresh hundred on the west bank,[1] and it is clear that much the same influences were at work here as in Virginia to spread the inhabitants in scattered settlements over the face of the land.

Constitution of Maryland.[2]

The one great feature of the early history of Maryland is the prolonged struggle with Virginia, a struggle which began to disturb the peace of the colony from the very outset. But before we enter on that somewhat complicated dispute, it would be well to trace the steps by which Baltimore and his colonists gradually worked out, by way of compromise and through force of circumstances, a constitution which, like that of Virginia, adhered closely to the English model.

The constitution as originally conceived by the Proprietor was to consist of a Governor, a Council, and an Assembly. The functions of the Governor and Council were not defined till 1637. Two Councilors, however, Hawley and Cornwallis, were nominated at the time of the first settlement, and it is probable that the functions of the Council were from the outset practically those which the Proprietor afterwards formally assigned to them. An ordinance sent out by Baltimore in 1637 vested all judicial power in the Governor and Council. The Governor was judge in all civil and criminal cases, with the reservation that in all cases where life, member, or freehold was concerned he should be assisted by at least two Councilors.

Primary Assembly.

The original deliberative and legislative body in the case of Maryland was a primary Assembly at which any freeman of the province might present himself to speak and vote. We are apt to look upon a representative body as the

[1] Bozman, vol. ii. p. 45.

[2] I have taken the whole of this account of the constitutional development of the colony from Bozman. As I have said before, his work is as much a calendar as a history.

normal machinery for government, and to forget that it is in real truth an ingenious, complex, and highly artificial contrivance. Only by slow degrees has it superseded the primary Assembly, the *concilium* of the Germans described by Tacitus, the *gemot* of our own forefathers. The earlier instrument of government is fit for two states of society, and two only. It may be suitable to a primitive race where, as in the Cyclopean community of Homer, each man rules over his own wife and household. In such a community the objects of legislation and deliberation are but scanty. Much that in later forms of society comes under the control of the state is left to the patriarchal government of the family. The competing interests which draw men away from public business are few. The legislative Assembly is also the one great occasion for social, commercial, and, it may be, religious intercourse. The other condition of society to which a primary Assembly is adapted is that of a small and highly-civilized commonwealth, dwelling in a single city, like the republics of ancient Greece or mediæval Italy. There, where the freemen are in truth an oligarchy exempted from the bondage of labor, all living within the confines of a single city wall, and all trained to find excitement, interest, and occupation in the debates of the public Assembly—there it may be that all will have the taste, the opportunity, and the capacity for legislation. Under any other circumstances the system of a primary Assembly is beset by obvious difficulties. The chief of these is the question of place. Farmers and handicraftsmen cannot leave their homesteads and shops for a distant journey. The Assembly of all the freemen becomes the Assembly of the townsmen of the capital. That capital more and more absorbs within itself all the political activity of the commonwealth. Again, there is almost sure to be in a primary Assembly a want of the stability and sobriety of a representative body. In the first place, all political passions tend to react upon themselves in proportion to the size of the area over which they spread. A minority of fifty can do more to check a body of two hundred than a minority of five thousand can do in a body of twenty thousand. On the other hand, there are times when a primary Assembly gives great advantages to the members of small but united and energetic factions. Those who are in favor of a measure may be actually outnumbered by their opponents, but the advocates may be energetic and united, the opponents supine or ill organized. Every one of the minority will undergo

almost any inconvenience rather than not vote. Not one in five of the majority will forego his day's labor or even his day's pleasure to vote. Yet the measures which have been eagerly supported by passionate minorities and faintly opposed by languid majorities would have often been ruinous to nations. A primary Assembly in England in 1679 would probably have made it a capital crime ever to have attended mass, and would have tried such offenders by a special tribunal with Titus Oates at its head. A primary Assembly in 1743 would very probably have sent Walpole to the scaffold. In each case the majority would have been overawed or indifferent, and the state would have done in haste what every later generation would have repented at leisure.

In a community like Maryland, the first of these evils was sure to be soon felt. At the outset, while the colony was but a single encampment of log huts, all the freemen might easily meet together for the trifling business of the colony. But as the settlements gradually expanded over a wider area, how could the planter leave his corn to be eaten by deer, his cattle to stray in the woods, his swine to be stolen by Indians? Every year the Assembly would have become more and more a little oligarchy of those living at or near the centre of government.

One would suppose that the remedy of representation would at once have suggested itself. But before that was adopted a more cumbrous and far less efficient device was tried. In 1638 the Assembly met for the second time. Their proceedings, unlike those of the previous session, are recorded. On this occasion those who could not appear in person were allowed to send proxies. If such a system avoids the evils incident to a primary body, it brings with it other evils of a directly contrary kind. It may be bad that an energetic and ever-present minority should have everything its own way. It is worse that energy and constant attendance should count for nothing, and that the voter who delegates his power to another should have as full a share in legislation as the voter who exerts himself to attend.

System of proxies.

The evils of this system were amply illustrated in the events of the year. The Assembly, undeterred by its previous failure, proceeded to enact a set of laws. Of these only the titles remain. This matters the less as it is probable that they closely resembled those which were successfully proposed in the following year.

The Assembly of 1638.

While the proposals of the Assembly, or rather of a part of it, were under discussion, a rival set of laws was sent out by Baltimore. Apart from the intrinsic merits or demerits of the proposed laws, it was clearly a most serious question whether the initiative in legislation was to belong to the Proprietor or the colonists.

The division which followed illustrated forcibly the evils of the proxy system. The acts sent out by the Proprietor were rejected by thirty-seven votes to eighteen. Doubtless there were proxies on both sides, but in the minority twelve of them were in two hands, those of the Governor and of Councilor Sawyer, who had been lately associated with Hawley and Cornwallis. No better illustration could have been found of the danger to the liberties of the colony involved in this anomalous system.

A compromise was then proposed, apparently by Cornwallis. The Assembly was to reject the laws sent out by the Proprietor. At the same time it was to abandon its own claim to legislation and to pass a formal declaration accepting the laws of England. This proposal, however, seems to have fallen through. The enactments just proposed were carried, forwarded to the Proprietor, and, as before, rejected.

Baltimore's motives throughout the whole of these affairs, as indeed throughout his career, are hard to be understood. He seems first to have asserted a claim to what was practically almost absolute power, then, without any apparent reason, to have abandoned this position, and in a temperate letter empowered his brother as Governor to assent to such laws as should be "concerted with and approved of by the freemen or their deputies." This consent was to be subsequently ratified by the Proprietor himself.

The reference in the letter to the freemen "or their deputies" is a clear proof that Baltimore contemplated the continuance of this most inconvenient and irrational system of a mixed Assembly consisting in part of the freemen themselves, in part of their representatives.

Early in the next year another Assembly was called. Its constitution brought the colonists one step nearer to the system of representation. Regular writs were issued to the various hundreds instructing them to return representatives. Yet after the election one person at least came forward and claimed the right of appearing in person on the ground that he

Assembly of 1639.

had voted in the minority, and so was not represented. The claim seems to have been allowed, and nothing could illustrate more forcibly the complex and hybrid system on which this Assembly had been formed. It showed that the logical result of that principle was that in a constituency of fifty, a majority of four-fifths might have two votes and a minority of one-fifth, ten.

This was not the only anomaly in the constitution of the Assembly. The Proprietor claimed, and as it would seem obtained without challenge, the right of summoning members by writ. This claim evidently proceeds from a confusion in the original constitution of the legislature. That an upper chamber should be nominated by the Proprietor was only in accordance with the principles of the English constitution. But that arrangement presupposes a division of the legislature into two chambers. To allow it while the whole body, those summoned by writ and those elected by popular suffrage, sat, voted, and deliberated together, was simply to enable the Proprietor to swamp the representation of the Commons with his own creatures.

The proceedings of this Assembly were in themselves of sufficient importance to deserve a full notice. But before describing them it will be best to follow out the process by which the machinery of the constitution assumed its final shape. The incongruous combination of a representative with a primary Assembly disappeared three years later. The legislature when it met in 1639 declared by its first act that the Assembly should consist of the Governor and Secretary, those named by special writ, lords of manors, one or two Burgesses from every hundred, and all freemen who had not consented to the aforesaid elections. At the same time it was enacted that Assemblies should be held at least once in every three years.

Gradual establishment of representation.

In the next Assembly the right of personal appearance was in at least one instance claimed and refused. Nevertheless, in 1642 the Governor reverted to the earlier system, and required the freemen of the colony to appear either by themselves or their deputies. Out of one hundred and six persons who obeyed this summons, seventy-two availed themselves of the right to send proxies. One of the first proceedings of the Assembly was to define the constitution of the legislature by limiting the popular representation to the elected deputies, and with this reform the last trace of the earlier system disappears.

It should be noticed that the records of this Assembly throw

some light on the social condition of the colony. It is clear that the right of appearing either in person or by deputy extended to all freemen, to all, that is, who were not indented servants. It is also recorded that the number of such freemen was one hundred and eighty-two, of whom seventy-six failed to exercise their rights. Considering the extent of ground which the colony now covered and the importance of its commerce, we may be sure that a considerable number of these hundred and eighty-two were large landed proprietors; and thus we see how insignificant a portion of the community were the small freeholders, who stood between the large planters and their indented servants.

The other anomaly, the right of the Proprietor to add members to the Assembly, endured for some years longer. That it did so is perhaps the best evidence that it was never turned to the pernicious uses of which it was capable. At length, in 1647, the Assembly was divided into two chambers, the lower consisting of the Burgesses, the upper of the Councilors and those specially summoned by the Proprietor. This change finally brought the constitution of Maryland into conformity with that of the mother country and of Virginia.

The events, if they can be so called, which have just been recounted are interesting as a study in the development of institutions; in the eyes of contemporaries they were overshadowed by more stirring matters which absorbed nearly all the energies of the infant community. The struggle with Virginia was the one leading thread which runs through all the early history of the colony, and with which everything connects itself. The hostility between Papist and Puritan, the conflict between the allies of the crown and the allies of the Commonwealth, all blended themselves with this and became in some sort episodes in the contest between the two colonies.

Dispute with Virginia.

If the grievance had been a merely theoretical one, if Baltimore's patent had only included certain land formally belonging to Virginia, but as yet unoccupied, we may doubt whether the legal possessors would have cared to make good their title for the benefit of unborn descendants against an influential nobleman, the favorite of the king. Unhappily a part of the debatable ground was of special value to Virginia. The Isle of Kent in the Chesapeake Bay was nearly eighty miles north of Virginia, and consequently commanded the Maryland settlements at the mouth of the Bay. In 1631 a certain number of Virginian mer-

chants had obtained a special commission from the crown to trade with the natives at Kent Island. Their representative was William Clayborne, a land surveyor by trade, a Councilor for Virginia, at one time Secretary for the colony, and one of those who had opposed Harvey. He appears to have been a resolute, energetic, and somewhat unscrupulous man, and his personal character had no small share in determining the relations between the two colonies. It is not easy to make out what was the precise nature of the settlement on the Isle of Kent, how far it was merely a station for trade, and how far a permanent agricultural community. All we know definitely is that as early as 1625 it had a hundred occupants, that in 1631 it returned a representative to the Virginian Assembly,[1] and that it was specially valued as a trading station. This being so, it is no matter for wonder that the Virginians at once resented the threatened intrusion. A mere outlying plantation might have been sacrificed, but it is clear that the Isle of Kent was a possession of value to the whole colony, while, moreover, a station for trading with the natives was just the very place where the interference of a rival government was most to be dreaded.

Hostilities between the two colonies.

It would be profitless to inquire the precise steps with which the quarrel began. Both parties claimed the place, and both, it is clear, were prepared to resort to force in defense of that claim. In such a case a collision is a mere question of time and opportunity, and whether the disputants be great nations or petty colonies, it is scarcely worth while to discuss which was the aggressor.

Scarcely had the first Maryland settlers reached the shores of the Chesapeake Bay and chosen the site of their abode, when the first symptoms of hostility were felt. Clayborne was charged with having alarmed the Indians by telling them that the new colonists were Spaniards.[2] Some faint rumor of that tyrannical race seems to have reached the shores of the Chesapeake Bay, and the dread of their presence put an end for a while to the friendly relations between the settlers and the savages. The latter discovered their error and harmony was restored; but if the interruption of friendship was really due to Clayborne, it transfers the odium of the quarrel from the trespassers to the man who thus forgot the claims of humanity and kinship.

In the spring of 1634 the question of the Isle of Kent was

[1] Hening, vol. i. p. 154.

[2] Bozman states this, but does not give his authority.

formally discussed by the Council of Virginia. The immediate occasion of debate was an application from Clayborne. He had been summoned by the Governor of Maryland to relinquish all dependence on Virginia, and to consider himself a member of the new colony. What course, he asked, should he pursue? The Council resolved that the Isle of Kent was in no way to be distinguished from the rest of the territory of Virginia, and that they would maintain their right to it, at the same time obeying the king's request by preserving friendly relations with Maryland. Soon after, the matter came before the notice of the Committee of the Privy Council for the Plantations. Their answer, though not quite explicit, since it neither named Maryland nor the Isle of Kent, was yet in tone favorable to Virginia. It declared that the corporate interests of that colony were not to be disregarded, and it definitely authorized the Governor and Council to dispose by grant of all lands which had been legally under their control before 1625.[1]

Action of the crown.

In the next month Clayborne's case was formally laid before the king, not by Clayborne himself, but his partners in the trading venture at Kent Island. They set forth Clayborne's purchase of that place from the natives, and his labors in establishing a factory there.[2] Their petition met with a favorable hearing. An injunction was sent by the king to the Governor and Council of Virginia and to all other colonial Governors to assist Clayborne and the planters in Kent Island, and in particular forbidding Baltimore and his agents to do them violence.[3] This, however, was accompanied by a special injunction from the king to Harvey, desiring him to support Baltimore, and to protect him against Clayborne's malicious practices.[4] No better commentary could be found on the unsatisfactory condition of our colonial government than the confused and contradictory policy adopted in dealing with this dispute.

The assertion of Clayborne's claim soon led to hostilities. In the spring of 1634, even while the question was still before the Privy Council, there seem to have been petty conflicts in which the Marylanders harassed the inhabitants of the island and interrupted their trade with the Indians.[5] Early in the next year Clayborne took steps which were virtually a declaration of war. He sent out a pinnace with fourteen men, giving them instructions to attack and capture any boats belonging to Maryland.

[1] *Colonial Papers*, 1634, July 22. [2] *Ib.*, 1634, October. [3] *Ib.*, 1634, October 8.
[4] *Ib.*, 1634, September 18, 27. [5] This is evident from the above papers.

Calvert met this by arming two small vessels under the command of Cornwallis. The vessels met: the Virginians, it is said, opened fire, and a fight followed in which three Virginians and one Marylander were killed.[1]

Success of Maryland.

All hopes of a friendly settlement were now at an end. Clayborne retreated to Virginia. The government of Maryland attempted to obtain possession of his person as a criminal by an application to the Virginian government. This was refused, and Clayborne, either of his own accord, or by order of Harvey, went to England with the necessary witnesses, to lay his case before the Privy Council. Meanwhile, the immediate fruit of victory appeared to rest with the Marylanders. One Captain Evelyn was specially appointed Governor, or, as he was styled, Commander of the Isle of Kent, with a Council of six assistants. With their advice he was to try petty cases, civil and criminal. He was also empowered to appoint civil officers and generally to preserve the peace of the island. In the following spring a writ was issued by the Governor, summoning Evelyn himself to the Assembly, and ordering him to call together the freemen, to persuade as many of them as should think fit to appear personally at the Assembly, and to explain to the rest that they had liberty to attend there either in person or by deputy as they pleased.[2] This summons is interesting in more ways than one. It shows that Baltimore, or at least his representative, Calvert, intended to treat the Isle of Kent, not as an outlying dependency, but as an integral part of the colony. At the same time it throws light on the curious mixture of a primary and a representative Assembly, and shows how loosely and freely the power of summoning special members was used when it could be delegated without any restraint to the commander of a district.

Difficulties with the Isle of Kent.

It was easier to treat the Isle of Kent as a part of the colony in theory than to make it so in practice. The inhabitants refused to recognize their new rulers, resisted Calvert's judgments, both in civil and criminal cases, rescued prisoners from the hands of his officers, and, it was even alleged, conspired with the Indians against the safety of the colony. So serious was the state of affairs that Calvert left St. Mary's during the session of the Assembly, deputing his authority to Sawyer, and sailed to the Isle of Kent, there to deal with the offend-

[1] Bozman, vol. ii. pp. 35, 61. In the latter passage the indictments are quoted verbatim.
[2] *Ib.*, vol. ii. p. 47.

ers by martial law.[1] Of the results of this expedition we know nothing. On the return of the Governor, criminal proceedings were instituted against Clayborne and one of his chief supporters for the murder of the Marylander who had fallen in the skirmish at the island. Clayborne in his absence was proceeded against by attainder, his follower Smith by a formal trial before the Assembly as the chief criminal court, and both were found guilty. At the same time the Assembly instituted an inquiry into the deaths of the Virginians who had fallen, and acquitted Cornwallis and his supporters as having acted in self-defense. Of Smith's fate we hear nothing.

Clayborne's new scheme.

The dispute now entered into a new phase. Clayborne on his return to England in 1637 laid his case before the king. From the favor with which his application was entertained, it has been thought that he had some influential patron at court. This patron, it has been suspected, was Sir William Alexander, the king's Secretary for Scotland.[2] He had begun life as a needy Scotch adventurer at the court of James I. There his nationality, his versatile genius, and a fair share of literary ability made him a leading figure, and his prosperity was continued under Charles I.[3] One of his various projects was the formation of a settlement in Nova Scotia, dependent mainly on the fur trade, and it seems likely that he saw his way towards incorporating Clayborne's scheme with his own. It was probably in consequence of his support that Clayborne, not content with making good his claim to the Isle of Kent, tried to obtain the sanction of the king for fresh acquisitions. He had established a small settlement, probably a mere outlying factory for trade, near the head of the Chesapeake Bay. Here he hoped to create a fur trade with the Indians along the banks of the Susquehannah. To carry out this project he petitioned for a grant of land seventy-two miles in width, and extending the whole length of the river as far as the great lakes of Canada. For this he proposed to pay a quit-rent of a hundred pounds a year, fifty for the Isle of Kent and fifty for his new possession.[4] This request was at first received favorably. The king referred it, with an expression of approval, to the Commissioners for Plantations. At the same time he sent

[1] Bozman, vol. ii. p. 62.

[2] Chalmers's *American Annals.*

[3] Alexander's character and his career as a colonial adventurer are sketched in Kirke's *Conquest of Canada.*

[4] This petition and the king's answer are given by Bozman in a note, vol ii. p 583

a letter to Baltimore advising him to leave Clayborne and his partners for the present unmolested. There was not in this latter proceeding anything more than a reasonable desire that hostilities should be stayed *pendente lite*. Nevertheless the favor which Clayborne's petition met with from the king is a good illustration of the recklessness with which the soil of America was dealt with by the English crown. Hitherto one principle had been always maintained: that important grants of land from the crown should have a fixed limit of sea-board with an unlimited right of extension inland between two parallel lines. Clayborne's petition, if granted, would have wholly destroyed this arrangement. It would have established a belt of trading stations along the western frontier of the other colonies, and would thus have placed their relations with the Indians at the mercy of a merchant company over which the colonists would have no control. Clayborne, however, had less influence with the Commissioners than with the crown. His petition was heard and refused. Baltimore was confirmed in his claim to the Isle of Kent, while, as on a previous occasion, the petitioners were left to seek their remedy at law.[1]

This might have been supposed to settle the matter between Maryland and Virginia. For a while all disputes seem to have been set at rest, and the claim of Baltimore to exercise his proprietary authority over the Isle of Kent was peaceably accepted. Clayborne's claim, however, was only dormant, not extinct, and the overthrow of the royal authority and the ascendency of the Parliament in Maryland at once served to reawaken it.

In the mean time the internal affairs of Maryland, and the dealings of the settlers with the Indians, require some notice.

Legislative system. We have already seen how conspicuous a part the Assembly of 1639 played in the constitutional history of Maryland. Over and above this, its legislative proceedings were in themselves of no small importance. In considering them we cannot fail to be struck with a difference which from the outset distinguished the legislation of Maryland from that of Virginia. The latter was conspicuous for what we may call its practical and hand-to-mouth character. Enactments were made as the need for them arose. There was little idea of producing a continuous or symmetrical system. It is possible that the memory of that ferocious code under which the early settlers had suffered may

[1] *Colonial Papers*, 1638, April 4.

have had a share in determining their successors to cling to the common law of England, and to avoid any attempt at producing a code for themselves. In Maryland, on the contrary, we see something of that love for an unnecessarily elaborate code which is not uncommon in young communities, and of which the American colonies furnished more than one example. The Maryland laws of 1639 were evidently designed as a complete judicial and constitutional system, inasmuch as they were passed not as so many independent and separate Acts, but in a mass.[1] They began with a somewhat vague declaration that "Holy Church" within the province should have all her rights and liberties. This clause was probably borrowed from Magna Charta without any definite idea of its special application. The second clause was apparently intended to qualify any danger which might lurk in the first, and prescribed an oath of allegiance to the king. The third declared that the Lord Proprietor should have all his rights and prerogatives. The fourth claimed for the inhabitants all their rights and liberties according to the Great Charter of England. These four Acts must clearly be looked on as a sort of formal preamble, a declaration of the position of the crown, the Lord Proprietor, the Church, and the Commonalty. Having disposed of these, the Assembly went on to enact a criminal code, and to provide means for its execution.

Penal code.

There is not much in this penal code which demands our attention. In no marked respect did it differ, either for good or evil, from the ordinary legislative principles of that age. As regarded religious nonconformity and kindred offenses, the law was severe in appearance, probably mild in practice. Blasphemy, sacrilege, sorcery, and idolatry were all capital crimes. The mention of the last in a community founded by a Papist and in large part inhabited by Papists, must have sounded a strange piece of hypocrisy in the ears of Puritans. Such a code is wholly at variance with the true principles of religious liberty. Yet we may be sure that the Nonconformist was better off under the rule of Papists who were amenable to English law and in some degree to English public opinion, than he would have been in a strictly Anglican community.

Laws about religion.

The religious principles of the Assembly showed themselves, not by any original legislation, but by the somewhat ingenious expedient of formally re-enacting English statutes framed in earlier times and still unrepealed though obsolete.

[1] Bozman, vol. ii. p. 107. Bacon's *Laws of Maryland.*

Clergy were to be exempt from capital punishment, and were to be pardoned in the case of certain offenses committed for the first time. An Act was also passed re-enacting the statute of Edward VI. which enforced the eating of fish on certain days. That statute had been passed by a Protestant legislature in the interests of commerce, and possibly of public health and economy. The Romanists of Maryland re-enacted it on behalf of the usage of their own Church.

The supreme judicial power was, as we have seen, vested in the Governor and Council. In civil cases their jurisdiction was final. In matters affecting life or limb, the court was to be assisted by a jury of twelve. Furthermore, by a somewhat complex arrangement, three other courts were constituted, in all of which the Governor sat as judge, though in a different capacity in each. He presided over the admiralty court as Admiral, over the chancery court as Chancellor, and by a special commission over the so-called prætorial court of St. Mary's, a tribunal appointed to try certain specified offenses. In this last capacity he was to be assisted by his Secretary and Council. Furthermore he was to sit as judge of the county court at St. Mary's, assisted by Commissioners specially appointed by the Proprietor. This court was to try misdemeanors, and it was also to preside over the grand jury, consisting of seven freemen, who were to present offenders for trial in the prætorial court.

Judicial system.

Local jurisdiction over small cases in the various hundreds was given to justices of the peace, while the Commander of the Isle of Kent was invested with special judicial powers in his own province. In all these cases a right of appeal to the supreme court was allowed, and it was also provided, by an arrangement hitherto unknown in the colonies, that the Governor and Council should at times visit the Island of Kent, and there sit as a court of assize.

No one can fail to be struck with the needless elaboration and cumbrousness of much of this legislation. To copy the complexities of the English judicial system, complexities inevitable in a system which was the slow growth of centuries, but which might easily have been avoided in a new country, was like the servile fidelity of the Chinese artisan who reproduces the flaw in his pattern. The same may be said of the privilege of clergy in cases of felony. So, too, we may notice a tendency to reproduce that which, for want of a better name, we

General character of the laws.

must call the feudal character of the mother country. We find illustrations of this in the titles of the first laws proposed in 1635, and then vetoed by the Proprietor. Such are the Acts for the founding of manors, for baronies, for services to be performed for manors and freeholds. It is clear, too, from other evidence, that an order of nobility was contemplated. We have already seen that the lordship of a manor carried with it a seat in the Assembly. It also gave the right of being tried by a jury taken from among the lords of manors, although with the necessary proviso, that if twelve such could not be found, their places should be supplied by freemen. Moreover, the lords of manors were to enjoy another privilege of the English nobility in being beheaded if found guilty of felony, instead of being hanged.

Condition of industry.

Happily the welfare of a young community depends on other considerations than the symmetry and consistency of its political system, and there is little reason to doubt that Maryland enjoyed all the conditions needful for prosperity and availed herself of them. None of our early American colonies began their commercial and industrial career on so solid and well-considered a basis. We have seen the difficulties which beset the infancy of Virginia, how she was driven to put up with the sweepings of the gaols, how she became a refuge for helplessness, improvidence, and crime. In Plymouth and Massachusetts political and religious considerations came first, and though in the long run they aided the commercial prosperity of those communities, they at first restricted the choice of settlers. Maryland profited by the example of Virginia, and her economical welfare was cared for in a measure seldom surpassed in the history of colonization. This is well shown in a pamphlet published in 1635.[1] The writer, it is evident, was a resident in London, acting as agent for the colony and ready to assist would-be settlers with advice and outfit. The advantages and the peculiarities of the country are set forth in a singularly clear and practical manner. Detailed instructions are furnished as to the provision which a settler should make for entering on his new mode of life. He was not to depend on the resources of the colony for the first year, but to bring out a sufficient supply of meal. Thus his subsistence would be provided for while he built his house and inclosed his farm. He was also to bring the iron for his house, a watch-dog, seed, both of corn and fruit-trees, and appliances

[1] This is the pamphlet above referred to, p. 275.

for fowling and fishing. He was advised, too, to provide himself with groceries and cloth which he could profitably exchange for cattle. The enumeration of the artisans whom each planter is to import gives us a good idea of the system of life contemplated. Every planter is recommended to bring nineteen skilled craftsmen, each of a different trade, all enumerated. Beside those who were obviously needed, there was to be a shipwright, a miller, a brickmaker, a bricklayer, a fisherman, a cutler, and a leather-dresser. If the would-be planter could not find skilled laborers, the writer would procure them for him. There was work, too, for "lusty young men," even if they did not possess any special skill. A form of agreement is appended as a specimen. By it the master promised to pay the laborer's passage, to maintain him during his term of service, and when that ended, to supply him with fifty acres of land and corn for a year. The length of term was left optional, but five years was recommended. It is clear from this that the system on which Maryland was settled was, in some measure, that familiar to the ancient world and not without advocates among modern theorists. It was to be not a chance assemblage of individuals, but a formed and articulated body transplanted complete, with each person ready at once to fall into his place and discharge the functions for which he was specially fitted. Each planter was intended to be the patriarchal head of a little community complete in itself. Our records are too scanty to tell us with what degree of success this theory was carried out. Indeed, we know but little of the early economical history of Maryland. What little we do know, however, indicates a high degree of prosperity. We hear nothing of the trials which usually beset a young colony in that age, and in spite of serious political troubles, we find no trace of material suffering.

This was no doubt in part due to the natural advantages of the country. In these it resembled, but even surpassed Virginia. The climate was equally genial, but more temperate. The soil possessed the same resources, but there was not, as in Virginia, a belt of swamps between the sea and the most fertile land. The only drawback to the soil was its excessive richness, which needed to be lessened by at least one crop of tobacco before the land was fit for corn. In Maryland, as in Virginia, the tendency to grow tobacco exclusively and to neg-

Natural resources.[1]

[1] The material resources of the country are described in the above-mentioned pamphlet, by White, and in the latter part of *Leah and Rachel.*

lect other crops had to be checked by special enactments. A law passed in 1638 provided that every one cultivating tobacco should also grow two acres of corn. Tobacco, too, as in the neighboring colony, became at an early date the current medium. Still, it is clear that the cultivation of this crop did not monopolize labor, since the settlers were able to export corn to their northern neighbors, the Swedes on the Delaware, the Dutch of New Netherlands, and the New England Puritans.[1] It is true that this supply was in part obtained by trade with the Indians, but no community is likely to export the necessaries of life till its own needs have been fully satisfied.

Relations with the natives.

In their dealings with the Indians, the settlers in Maryland were more fortunate than their neighbors. At first it seemed as if the intercourse between the colonists and the savages was to be one of perfect amity. The Indians received the new-comers with open arms, aiding them in the chase, and almost living in the settlement. A current story, resting indeed on no very good foundation, serves to illustrate the feelings with which the Indians at first regarded their new neighbors. It is said that one of the chiefs, upon leaving St. Mary's, thus addressed Calvert: "I love the English so well that if they should go about to kill me, if I had so much breath as to speak, I would command the people not to revenge my death, for I know they would not do such a thing except it were through my own fault."[2]

War with the Indians.

As we have seen, the first breach of this friendship was ascribed to the intrigues of Clayborne. Yet in any case it is probable that the ineradicable barbarism of the Indian would sooner or later have led to hostility. Of the early troubles with the natives we know little beyond the fact that they occasionally formed the subject of discussion at the Assembly. The hostility, such as it was, was marked by no striking episode like the Virginian massacre. The only tribe who seem to have caused the Marylanders any serious anxiety were the Susquehannocks. In 1641 their enmity made it necessary to give the inhabitants of Kent Island general permission to carry on war against them.[3] In the next year this permission was extended to the other outlying settlements,[4] and about the same time some attempt seems

---

[1] Bozman, vol. ii. p. 164.
[2] *Ib.*, vol. ii. p. 183.
[3] *Ib.*, vol. ii. p. 31.
[4] *Ib.*, vol. ii. p. 212.

to have been made to arrange measures in concert with Virginia.[1] Of the details of the war we know nothing. In 1652 it was ended by a formal peace. Boundaries were fixed to the English territory, and a system of tokens was arranged for all Indians crossing the frontier. The last clause of the treaty rather oddly provided that if either party should at a future time meditate hostilities, they should give their enemy twenty days' notice of their purpose, a condition not very likely to be fulfilled by a nation whose system of war turned almost wholly on surprises.[2]

Outbreak of civil war.

Maryland had less to fear from the savages than from internal dissensions. In Virginia, as we have seen, the overthrow of the monarchy was accompanied by political changes, real, yet so mild in their character that their significance has been usually underrated. In Maryland, on the contrary, the struggle of parties was attended with a degree of violence disproportionate to its substantial results.

It is difficult to fasten the blame of the first attack definitely on either party. In 1643 or 1644 the king gave letters of marque to Leonard Calvert, commissioning him to seize upon all ships belonging to the Parliament.[3] It would seem, however, as if the other side had begun to be active, since only three months later we find the Governor issuing a proclamation for the arrest of Richard Ingle, a sea-captain, apparently a Puritan, and an ally of Clayborne. The proclamation charged him with treason.[4] Of the details of his conduct we know nothing, but either the attempt to arrest him failed, or he made a speedy escape, for in less than a year he was free and threatening the established government in the colony. He was commissioned to cruise in Chesapeake Bay with letters of marque against the enemies of the Parliament; and a like authority was extended to seven other vessels.[5] Ingle, however, did not confine himself to the terms of his commission, but renewed his attack on Maryland. He landed at St. Mary's, while Clayborne at the same time made a fresh attempt upon Kent Island. Later events showed that under a resolute leader the Maryland Royalists were capable of a determined resistance, but now either no such leader was forth-

[1] Bozman (vol. ii. p. 229) quotes a letter from Leonard Calvert to the Governor of Virginia on this subject.

[2] This treaty is given in full by Bozman, vol. ii. p. 682.

[3] *Virginia and Maryland*, p. 11. Neill, p. 248. The latter dates the commission October, 1643, the former 1644. I cannot find the original document.

[4] The proclamation is given in Bozman, vol. ii. p. 291.

[5] Journals of Parliament, quoted by Mr. Neill, p. 248.

coming, or the party was taken by surprise. Cornwallis, who seems to have been the most energetic man in the colony, was absent in England, and Leonard Calvert fled into Virginia, apparently without an effort to maintain his authority. Ingle and his followers landed and seized upon St. Mary's, took possession of the government, and plundered Cornwallis's house and goods to the value of three hundred pounds.[1]

Their success was short-lived. Calvert returned, rallied his party, and ejected Clayborne and Ingle. The Parliament made no attempt to back the proceedings of its supporters, and the matter dwindled into a petty dispute between Ingle and Cornwallis, in which the latter obtained at least some redress for his losses. The Isle of Kent held out somewhat longer, but in the course of the next year it was brought back to its allegiance. This event was followed in less than a twelvemonth by the death of the Governor.[2]

Baltimore now began to see that in the existing position of parties, he must choose between his fidelity to a fallen cause, and his position as the Proprietor of Maryland. As early as 1642 we find him warning the Roman Catholic priests in his colony that they must expect no privileges beyond those which they would enjoy in England.[3] He now showed his anxiety to propitiate the rising powers by his choice of a successor to his brother. The new Governor, William Stone, was a Protestant. The Council was also reconstituted, and only two Papists appeared among its members.[4] At the same time, Baltimore showed that Stone's appointment was meant as a compromise and not a surrender, since he specially excepted Ingle and his associate Durford from the pardon which the Governor might grant.[5] Furthermore, he exacted from Stone an oath that he would not molest any persons on the ground of their religion, provided they accepted the fundamental dogmas of Christianity.[6] The Roman Catholics were singled out as the special objects of this protection, though we may reasonably suppose that it was also intended to check religious dissensions.

Baltimore conciliates the Puritans.

So far Baltimore only acted like a prudent, unenthusiastic man,

---

[1] The fact of Calvert's retreat into Virginia is proved by a commission issued by him, and dated from that colony. Bozman, vol. ii. p. 293. Most of the documents relating to Ingle's proceedings are lost. Mr. Neill has a short account of the affair based on existing MSS.

[2] Neill (*English Colonization*), p. 251. Bozman, vol. ii. pp. 296, 303.

[3] Letter from Baltimore, quoted by Mr. Neill, p. 274.

[4] Bozman, vol. ii. p. 332. [5] *Ib.*, vol. ii. p. 406. [6] *Ib.*, vol. ii. p. 335.

who was willing to make the best of a defeat and save what he could out of it, by a seemingly free sacrifice of what was already lost. His later policy showed that he was prepared to go further and to retain safety, emolument, and power by sacrifices which would have repelled an honorable man.

The internal condition of the colony had now been substantially changed since the failure of Ingle and Clayborne. The Puritan party there had received an important addition. We have already seen how a number of Nonconformists had made an attempt to establish themselves on the shores of the Chesapeake Bay, and how they had fared among the Virginians. The toleration which was denied them by the rigid and narrow-minded Anglicanism of Virginia was conceded by the liberality or the indifference of Baltimore. The precise date and manner of their immigration cannot be discovered, but we know that by 1650 their settlement was important enough to be made into a separate county under the name of Ann Arundel,[1] and by 1653 they formed two distinct communities, numbering between them close upon a hundred and forty householders.[2] All that was required of them was an oath of fidelity to the Proprietor, and it seems doubtful whether even that was exacted at the outset.[3] They seem, in the unsettled and anarchical condition of the colony, to have been allowed to form a separate and well-nigh independent body, holding political views openly at variance with those of the Proprietor.

Immigration of Puritans into the colony.

To what extent the settlers on the Isle of Kent were avowedly hostile to Baltimore's government is doubtful. But it is clear that discontent was rife among them, and that in conjunction with the new-comers, they made up a formidable body, prepared to oppose the Proprietor and support the Parliament.

Symptoms of internal disaffection were seen in the proceedings of the Assembly of 1649. The battle-ground was the old one, the right of the Proprietor to originate laws. Baltimore sent out a body of Acts seemingly unobjectionable in themselves, and in substance acceptable to the colonists. Nevertheless the Assembly rejected them and accompanied the rejec-

Disputes in the Assembly.

[1] Bozman, vol. ii. p. 393.

[2] This is proved by two petitions still extant, the one signed by seventy-eight householders, resident in Ann Arundel County, the other by sixty-one, resident on Patuxent River. Both are addressed to Bennet and Clayborne, and are drawn up in a violent spirit of anti-Romanist partisanship. They are incorporated in the pamphlet above referred to, *Virginia and Maryland, or the Lord Baltimore's printed Case uncased and answered.* Force, vol. ii.

[3] Bozman, vol. ii. p. 371.

tion with a remonstrance. This was a somewhat vague and discursive document. It dwelt on certain unconstitutional points in the conduct of Hill, Calvert's deputy during the time of Ingle's rebellion, and protested against the exorbitant demands made by the Proprietor for damage then done to his estate. In conclusion it besought Baltimore to send out "no more such bodies of laws, which serve to little other end than to fill our heads with suspicions, jealousies, and dislikes of that which verily we understand not," but rather "some short heads of what is desired."[1] There is nothing to show in what spirit Baltimore received this remonstrance. It seems, however, so far to have had the intended effect that thenceforth he refrained from any attempt to interfere with the legislative powers of the Assembly, and confined himself to his rights of approval and veto.

Law concerning religion.

In return, the Assembly in the next year passed a body of laws coinciding in many points with those which had originated with the Proprietor. One of these was sufficiently important and characteristic to deserve special notice.[2] On the one hand it imposed certain definite restraints on freedom of speech. To deny the doctrine of the Trinity was a capital crime. To blaspheme the Virgin or the Saints was punishable with fine and whipping, and in case of obstinate offenders with banishment. To call a person by any opprobrious term descriptive of his creed was an offense likewise punishable by fine and whipping. Finally, in apparent defiance of the spirit just shown, a general clause gave full toleration to all Christians of whatever denomination. It is easy to point out how such an Act fell short of an ideal standard of religious liberty. Practically we may be sure that it did at least as much for the protection of conscience as could have been achieved at that day by the most elaborately philosophical legislation. To have attempted openly and professedly to protect the avowed unbeliever would have exposed the whole system to failure.

Surrender of the colony to the Parliamentary Commissioners.

When the Parliamentary Commissioners had completed the subjugation of Virginia they turned their attention to Maryland. As might have been foreseen, with a lukewarm and temporizing Proprietor and a strong Puritan party, they had an easy task. There does not seem to have been even as much attempt at resistance as in the case of

[1] Bozman, vol. ii. pp. 340, 367. The remonstrance is given *in extenso*, p. 665.

[2] The Act is given in Bozman, vol. ii. p. 661.

Virginia. In March, 1652, the Commissioners landed and required from the Governor a promise that he would accept the authority of the Commonwealth, reserving Baltimore's just rights. Their only definite demands were that all the inhabitants should take the engagement to the Commonwealth and that all legal processes should run in the name of the Keepers of the Liberties of England, the established successors by Act of Parliament to the constitutional functions of the crown. The first demand was readily conceded, even, as it would seem, by Baltimore's chief supporters. The second gave more trouble. Stone for a while resisted and was deprived, by force, as was afterwards alleged, of his commission. After an interval, however, he seems to have thought better of his refusal, and was content to retain his commission by acquiescing in the obnoxious clause.[1]

Thus the surrender of Maryland was effected with even less of struggle and change than in Virginia. Yet it might have been easily foreseen that the settlement of Maryland was less stable and less likely to be final than that of the neighboring colony. The surrender of Virginia was, in truth, an agreement rather than a compromise. It got rid, without the need of drastic measures, of those elements in the province which might at a later time have begotten enmity. In Maryland the causes of dissension were merely skinned over, and the attitude of the defeated party was not one of loyal acquiescence, but of secret and watchful hostility.

The year which followed the reduction saw the colonists engaged in negotiations with the Susquehannocks and in petty hostilities with the Indians on their eastern boundary, the Nanticocks. The peace with the Susquehannocks has been already described. The Nanticocks were equal in numbers and importance to the Susquehannocks and were recently strengthened by a supply of arms and ammunition taken from a Dutch vessel. The intended campaign against them came to nothing, yet there were features in the preparations for it important enough to deserve notice. The levy was not confined to the districts menaced, but extended to the whole colony. One man in every seven was to be pressed by choice of the sheriff. The remaining six were to furnish the one selected with the needful supply of arms, ammunition, and food. Either, however, the rumor of these preparations was sufficient to restrain the inroads

Troubles with the Nanticock Indians.

[1] Bozman, vol. ii. pp. 439–43, 447.

of the Nanticocks, or the inclemency of the winter forbade any operations.[1]

In 1654 Baltimore seems to have thought that matters were ripe for a counter-revolution. The position which he took up was well chosen. He did not propose formally to weaken the authority of the Commonwealth or of its representatives, but merely to reassert for himself that position which he had held towards the crown. His original patent made him virtually an independent sovereign. To recover that position he had only to maintain that the Commonwealth had succeeded to the relations and rights of the crown unchanged.

Stone's attempt at a counter-revolution.

Accordingly Stone by the instructions of Baltimore issued two proclamations. The first required that all landholders should, if they had not already done so, obtain their patents in due form from the Lord Proprietor and take an oath of fidelity to him. The other ordered that all writs should run in the Proprietor's name, and thus reversed the very condition on which Stone had been permitted to retain office.[2]

Technically, no doubt, Baltimore's position was a strong one. Nothing had been brought home to him which justified a resumption of his chartered rights, and his present claim in no way went beyond those rights. Yet he can hardly have expected that a colony now largely peopled by Puritans, and placed under the recently-established authority of the Parliamentary Commissioners, would quietly submit to the sovereignty of a Papist and court favorite. Even that very part of the Proprietor's claim which to us would seem most equitable and moderate, would be in the eyes of his Puritan subjects an abomination. The oath of allegiance to the Proprietor bound those who took it to molest no man for his religion, especially no Roman Catholic. Was it likely that Puritans, flushed with recent victory, would be content with mutual toleration? To accept such a compromise was, in their own words, "to countenance and uphold Antichrist."[3]

These pretensions of the Proprietor were, however, somewhat furthered by the current of events in England. Early in 1654 the colonists learned that England was under the rule of a Lord Protector. In May Stone issued a proclamation formally announcing and declaring the attitude of the Proprietor and the

[1] Bozman, vol. ii. pp. 455–60. [2] *Ib.*, vol. ii. pp. 475–7.
[3] Strong's *Babylon's Fall*, quoted by Bozman, vol. ii. p. 403.

colony to the new power.[1] The position was chosen with singular skill. The proclamation set forth that the government of Maryland, under the Lord Proprietor, according to his patent, was subordinate unto and dependent upon the aforesaid government of the Commonwealth of England. It is clear that this acknowledgment had a twofold object: firstly, to divest the colony of the authority of the Commissioners by pointing out that the source of that authority was now extinct; secondly, to connect the rights of the Lord Proprietor with the newly-established power of the Protector. The Proprietor abandoned any nominal claim to absolute sovereignty, while he secured the substantial benefits of his position. In the same spirit Stone coupled this nominal admission of allegiance with a virtual assertion of sovereignty by issuing a general pardon for all offenses, saving murder, treason, and all rebellion or conspiracy against the authority of the Proprietor.[2] At the same time Baltimore proved that the resumption of the Proprietor's authority was more than a mere form, by displacing one Brook, a Councilor who had taken a leading part in supporting Bennet and Clayborne.[3]

The position of the Commissioners was a difficult one. The authority under which they acted, that of the Keepers of the Liberties of England, had expired. In dealing with an astute and lawyerlike opponent such as Baltimore, it was most needful that there should be no technical flaw in their case. Yet were they quietly to look on while Maryland was converted into a stronghold of royalism, and it might be of Papacy? Moreover, it might reasonably be contended that the previous commission was good till formally revoked, and that Stone's breach of an express agreement in altering the form of writs justified his removal.

The Commissioners had the advantage of being able to rely not only on the Puritans of Maryland, but also on extraneous help from Virginia. With a force of militia from that colony the Commissioners marched into Maryland and reassumed possession of the government, deposing Stone and reconstituting the Council.[4] The governorship itself was put in commission. The new government now proceeded to deal with its opponents in a far more severe fashion than before. Its first step was to disfranchise all Roman Catholics. An Assembly was then elected on that basis. Its Puritan

Resumption of authority by the Commissioners.

[1] Bozman, vol. ii. p. 497. [2] *Ib.*, vol. ii. p. 498. [3] *Ib.*, vol. ii. p. 499.
[4] The proceedings of this Assembly are recorded in Bozman, vol. ii. p. 503.

character was plainly shown by an enactment withholding all special protection from Papists, and thereby subjecting them to all the penalties of the English common law, and also by various stringent measures on behalf of morality and religion. One Act of this Assembly is important enough to deserve special notice. It declared that all those who had transported themselves or others into the colony had thereby acquired a title to land in virtue of their transportation without the necessity of making any declaration of loyalty to the Proprietor. In other words, the Assembly adopted Baltimore's system of land tenure, but divested it of any personal connection with the Proprietor. This was a step of great importance. Hitherto interference had limited itself to the political authority of the Proprietor. Now for the first time a blow was struck at his territorial and possessory rights, and the whole aspect of the question was changed.

Lastly, a resolution was passed declaring Baltimore's demand for an oath of allegiance to himself null and void.

The menace to his proprietary rights seems to have roused Baltimore. We have no direct evidence of his action in the matter, but the common report of the time represented him reproaching Stone by letter for his ready submission, and urging him and others of his party to resistance. The practical result of this was that in the summer of 1655 the two parties were openly marshaled against one another for civil war. St. Mary's county seems to have adhered to the Proprietor, while, as might have been expected, the new settlement of Ann Arundel was the stronghold of his enemies. Stone took the initiative, and with fourteen small vessels and two hundred men set out against the Puritan settlement. His enemies were unexpectedly reinforced by an English merchant vessel, under the command of a staunch Puritan, Roger Heamans. He succeeded in blockading Stone's flotilla in a small creek, and compelling the assailants to forsake their vessels and take to the land. There they were met by an armed force of a hundred and sixty Puritans. In the ensuing engagement Stone and his followers were hopelessly routed and nearly all taken prisoners. Ten of the ringleaders were sentenced to death, but six of these, including Stone, were pardoned. The Parliamentary Commissioners have been blamed for their

Outbreak of hostilities.[1]

[1] The chief authorities on this point besides Bozman are Langford and Hammond. There are also letters extant from Dr. Barber, one of Stone's chief supporters, and from Stone's wife. These are published in full by Bozman, vol. ii. p. 686.

severity, but they claimed to represent the *de facto* government, and it is hard to see that they went beyond their legitimate rights in dealing with armed rebels.

A whole year now passed without any open outbreak from the defeated party, though there is reason to think that Baltimore was secretly intriguing in the province for the re-establishment of his power. His principal instrument in these schemes was one Fendall. He will come before us more than once, and his subsequent conduct shows him either to have been a thorough-paced traitor and intriguer, or to have had a singular faculty for placing himself in equivocal positions. Hitherto he had figured among the supporters of the Proprietor, and in the defeat of Stone's party he had been taken prisoner. He was not, however, thought formidable enough to be singled out for punishment, and was set at liberty.

Fendall's intrigues.

In 1656 the Proprietor seems to have invested him with a commission to act as Governor of the colony. On the strength of this Fendall took some secret measures against the authority of the Commissioners. The only result was to bring about his own imprisonment, from which he was released after a month, upon promise of good behavior.[1] In spite of this failure, Baltimore soon reasserted his claims by dispatching his brother, Philip Calvert, to the colony, with a commission as Councilor, and with power to act as Secretary, and to represent the interests of the Proprietor.[2]

In the mean time the course of events in England was rendering Baltimore independent either of force or intrigue. We have already seen how he had been careful to propitiate the Puritans by withdrawing his countenance from the Jesuits within his colony. It is clear, too, that the royalist party were dissatisfied with Baltimore's conduct, since in 1650 Charles II. issued from his exile at Breda a commission to Sir William Davenant to act as Governor of Maryland, and assigned as his reason for this interference with proprietary rights the favor which Baltimore had shown to Puritans. Two years later Baltimore fairly cut himself adrift from the party which had hitherto commanded his allegiance. In August, 1652, he published a manifesto setting forth the various reasons against uniting Maryland to Virginia.[3] The document is in every way a remarkable

Baltimore's petition.

[1] Bozman, vol ii. p. 534.
[2] *Ib.*, vol. ii. p. 545.
[3] *Colonial Papers*, 1652, August.

one. The arguments against the crown are set forth with consummate ingenuity and, it must be said, with some shamelessness. The son of a royal favorite, he who owed all his worldly position to court patronage did not shrink from pleading the fidelity of his colony to the Commonwealth and contrasting it with the stubborn royalism of Virginia. "It would much reflect upon the honor of the Parliament if he should become a laughing-stock to his enemies for his fidelity to the Commonwealth." Maryland, he went on to urge, might serve in time of trouble as a refuge for the distressed Puritans from Virginia. In the same spirit he dwells on the utility of each colony, while under a separate government, as a check on its neighbor.

These arguments were coupled with others of a more creditable kind. Baltimore represented the injury which would be inflicted on colonial enterprise in future by any curtailment of his proprietary rights, and he also sets up an ingenious plea for proprietary government, on the ground that the residence of the Proprietor in England served as a security for good behavior.

Either these representations or some influence now unknown to us bore fruit. As early as 1654 Cromwell appears to have pledged himself to effect some settlement of the disputes between Virginia and Maryland.[1] Nothing, however, came of this, nor is there any proof that either at this or any later stage, the Protector took a direct part in determining the questions at issue between the two colonies.

Proceedings in England concerning Maryland.

During the next two years we find no trace of any further application to the authorities in England. In 1656 Bennet and Mathews, acting on behalf of Virginia, laid before the Committee for Trade and Plantations a memorial concerning the relations between the two colonies.[2] They still clung to their favorite hope of annexing Maryland to Virginia, and thus saving for their clients the territory unfairly taken from them. Failing that, they sought to overthrow the proprietary authority of Baltimore, and thus to free the Puritan settlers in Maryland from Romanist control. Their memorial in the first instance pointed out how the grant of Maryland was an intrusion on the rights of Virginia. It then set forth that the power entrusted to the Proprietor was at variance with English constitutional principles, and that this danger was increased by the fact of Baltimore being a Roman

[1] *Colonial Papers*, 1654, January 4.
[2] Thurloe's *State Papers*, vol. v. p. 482.

Catholic and a Royalist. Furthermore, it charged him with having instigated the revolt in Maryland against the authority of the Commissioners.

Simultaneously with this proceeding Baltimore laid before the Protector a counter-petition. This stated the misdeeds and violence of the Commissioners and their supporters, but seemingly made no attempt to deal with the question of boundaries or to meet any of the objections brought against the constitution of Maryland. This petition, however, was favorably received and was transmitted to Whitelock and Widdrington, two of the Commissioners in whose hands the authority of the Lord Chancellor was for the time being vested.[1] Their report, together with the Virginian memorial, was then laid before the Commissioners for Trade.[2]

Neither the report of the two Commissioners nor the judgment based upon it is extant. But we may safely assume that things were taking a course favorable to Baltimore, from the fact that Bennet and Mathews were glad to abandon the struggle and to make an agreement which virtually surrendered all the points for which they had striven. This agreement contained four articles.[3]

Agreement between Baltimore and the Commissioners.

The first pledged those who were opposed to Baltimore to abandon all resistance and to pay due submission and obedience to the Proprietor according to his patent. In return all disputes arising out of the troubles in Maryland were to be referred to the Lord Protector and his Council. No lands were to be forfeited for past opposition to the Proprietor, and all persons who wished to depart were to have a whole year in which to remove themselves and their effects. Finally Baltimore pledged himself never to repeal the law giving freedom of worship to all Christians of whatsoever denomination.

Such was the end of Baltimore's struggle with the Virginian Puritans. His authority had been twice overthrown, his officers turned out and his supporters routed in a pitched battle, the king to whom he owed his position sent to the scaffold, the party to which he belonged annihilated; yet, without force or fraud, without one substantial sacrifice, by the bloodless arts of diplomacy he had now won back every position for which he had fought.

[1] *Colonial Papers*, 1656, January 22. The petition itself is apparently no longer extant. An abstract of it exists in an interregnum *Entry Book*, No. cl. p. 433.

[2] *Ib.*, 1656, July 31.

[3] The agreement is given fully by Bozman, vol. ii. p. 553, *et seq.*

Authority thus recovered was little likely to be abused, and for two years Maryland enjoyed tranquillity. This was first broken by a dispute between the Proprietor and the Assembly.[1] This, however, does not seem to have sprung out of the relations between Baltimore and the defeated party. It was rather a revival of the earlier conflicts as to the limits of the Proprietor's authority. The Burgesses put forward a claim to legislative power, independent of the Governor and Council. The latter body naturally disputed this view. The Burgesses then contended that the Council might sit with the Lower House as a single chamber. A more short-sighted and suicidal contention could hardly have been urged, since for the sake of a temporary victory it would have enabled the Proprietor at a later date to swamp the Assembly with his own creatures. Fendall, however, as Governor, together with his only two Councilors, accepted the position. The Assembly then put forward demands which were practically a rejection of the Proprietor's authority. It claimed independent legislative power, formally repealing all existing Acts and granting commissions. It also published a declaration forbidding all persons within the colony to acknowledge any authority save that which issued from the crown and itself. Fendall, too, notified his acquiescence in this position by accepting a commission from the Assembly.

Dispute between the Proprietor and the Assembly.

Fortunately, however, for the Proprietor, his interests were in more trustworthy hands than those of Fendall. Baltimore's brother, Philip Calvert, apparently acting under direct orders from the Proprietor, held a provincial court, and the heads of the opposition were tried as rebels by a grand jury, and found guilty. All, however, were pardoned, save Fendall and one of the two Councilors; they were punished by a fine and disfranchisement.

The details of these proceedings and the motives of the actors are obscure, nor are the events themselves of much moment. Yet they are of some importance as marking the last of those struggles by which the constitution of Maryland was shaped, and thus as forming a step in that process by which the different colonies were assimilated to the model of the mother country.

1 The whole history of this dispute is confused and obscure. Unluckily, we have lost the guidance of Bozman. Our only authority on the subject consists in the various documents given in Bacon. I have based my account entirely on these.

CHAPTER XI.

THE REVOLUTION IN MARYLAND.[1]

The Restoration brought less change to Maryland, with its peculiar and almost independent constitution, than to any other of the more important colonies. The position of the Proprietor remained unaltered. The nature of that position as estimated by Baltimore himself is well shown in the commission issued by him in 1666 appointing his son, Charles Calvert, Governor.[2] Baltimore herein formally describes himself as the absolute Lord and Proprietor of the Province of Maryland. His assent is required to give validity to laws. Of the crown not a word is said, and the only reservation in his sovereignty which the Proprietor acknowledges is the law passed in 1650, which forbade any interference with religion. But though the Restoration brought about no formal alteration in the constitution of Maryland, yet the change of system which accompanied the Restoration made its influence felt. That event, as we have already seen, marked the beginning of a definite and connected policy, which aimed at treating the colonies, not as isolated provinces to be dealt with in a spirit of capricious favor, but as a connected whole to be administered on fixed principles. The existence of such an anomaly as the independent sovereignty of Lord Baltimore was a hinderance to such a system, and every step which brought the colonies nearer to unity served to endanger his position.

State of the colony after the Restoration.

This change, however, did not begin to operate during the remaining years of Cecilius Calvert. The economical and social life of the colony flowed on evenly. In its early days Maryland

[1] Our knowledge of this period of Maryland history is almost exclusively derived from the *Colonial Papers*.

[2] *Colonial Papers*, 1666, February 13.

had bidden fair to outstrip Virginia in the race of prosperity. The disturbances of the civil war had turned the balance. The life of the Maryland planter resembled that of the Virginian, but on a poorer and meaner scale. In each colony the yeoman and the free peasant dwindled under the baneful shade of slavery. The abundance of rich soil and navigable rivers checked the growth of towns. The so-called capital, St. Mary's, consisted of some thirty houses straggling along the river at intervals of three hundred yards. The best house in the colony would have been but a poor abode for an English farmer.[1] No schools or manufactures kindled higher aspirations or satisfied more refined wants than those of the farmer and huntsman.

In 1675 Cecilius Calvert died. His son Charles who succeeded him was a man of weaker nature and endowed with less statecraft and less tenacity of purpose. Yet in him we see something of the same flexible and cautious temper, ever ready to make the best of defeat, kindling no enthusiasm, but turning the edge of hostility. His career as Proprietor was a troubled one, yet this was mainly due to causes in which his own character and conduct had no part.

State of religious parties.

During his lifetime a change went on in the composition of the colony which had begun even in his father's days. Maryland, founded by a member of the most aggressive and proselytizing of all creeds, became, in the latter half of the seventeenth century, the one colony where all sects seem to have lived together, if not in harmony, at least without open and avowed discord. The Quaker there found that security which was denied him among the Independents of New England. The Puritans at Ann Arundel throve and increased in wealth and prosperity, till their county became the richest in the colony, and, what is stranger, the most loyal to the Proprietor. The disciples of Labadie came from France and lived, as it would seem, peaceably and soberly in Maryland, while cherishing theories of faith and morals as dangerous as those of any Antinomian.[2] There is doubtless much that is attractive in this spectacle of religious equality and mutual toleration. Yet a state which has no common creed to which many of its members belong and most approximate, lacks one of the strongest bonds of citizenship.

1 These facts are stated in a report by Lord Baltimore. *Colonial Entry Book*, No. liii.

2 An account of the Labadists in Maryland may be found in a paper by H. C. Murphy in the *Long Island Historical Collection.*

So far as Maryland had a state creed it was a cause of division rather than of union. There is nothing to show that the third Lord Baltimore was a more zealous Papist than his father. But it is at least clear that he was in some degree allied with the most dangerous members of the Church of Rome, with the unscrupulous Irish Papists who at a later day were the chosen instruments of James II. in his misdeeds.

There were other reasons which might well justify the Marylanders in looking with peculiar suspicion and dread on the encroachments of Popery. That motive was now beginning to operate which for more than a century determined the policy and shaped the common destinies of our American colonies. France had now become a formidable neighbor on the northwest frontier of the English settlements. Her power, strengthened by the sagacious despotism of Richelieu, and wielded by the restless ambition of Lewis, threatened to overwhelm our struggling and disunited colonies. The danger indeed was distant, yet it was clearly foreseen. The efficiency of the French missions, the dauntless heroism with which the Jesuits bore the gospel into the Indian villages, the readiness with which both they and the traders and explorers of their race adapted themselves to the wild life of their savage neighbors, might well strike terror into the English settlers. They seemed to be threatened by one of the most awful of dangers, the united onslaught of a savage horde directed by the intelligence and definite purpose of a civilized power. From the great majority of the colonies there was at least the certainty of united and determined resistance. Whatever strides Popery might make in England, there was little fear of any wavering among the Puritans of New England or the stubborn, self-willed Protestants of Virginia. The Dutch settlers in New York and the Quakers of the middle colonies would at worst be lukewarm. Only among the Romanists of Maryland would the French find allies and supporters; if it came to a choice between their loyalty to England and their loyalty to Rome, there could be little doubt which would carry the day. Moreover, in the Society of Jesus France possessed, ready to hand, a secret service of diplomatists trained and organized to the highest pitch of efficiency.

In Maryland, indeed, that order had won no marked success. In 1670 the Jesuit mission there only consisted of three priests and three lay helpers, and in the next year it was reduced to two

of each. Nor were the results of their labors among the Indians worthy to be compared with those achieved by their heroic brethren who spread Christianity along the lakes and through the forests of Canada. But about 1675 there are traces of increased activity sufficient to explain the alarm of the Protestant settlers.[1] Thus the conflict of the Exclusion Bill and the coming struggle between Papist and Protestant in the mother country found a ready echo in Maryland.[2]

Other circumstances served to stimulate this state of division and disaffection towards the Proprietor. The resolute and not wholly unsuccessful efforts of the Virginians against the tyranny and incompetence of Berkeley had awakened a kindred spirit in their neighbors. There is indeed no proof of any actual alliance or intended co-operation between the two parties. But the leading Protestants in Maryland echoed the charges brought against Berkeley and the Proprietor,[3] and his supporters retaliated on them with the title of Baconists.[4]

Other elements of dissension.

The colonization of Pennsylvania had also a detrimental influence on the position of Baltimore. Boundary disputes sprang up in which he was necessarily opposed to Penn. This told against Baltimore in more ways than one. In the first place, it cannot have failed to alienate from him the Quaker settlers in his own colony. Again, strange as it might seem, the Quaker Proprietor of Pennsylvania enjoyed a higher degree of court favor than the Roman Catholic Proprietor of Maryland. Moreover, the recklessness with which the chartered rights of English corporations and cities had been swept away showed how little security Baltimore's legal position offered him in any conflict with the crown.

There was also now a special clause of dispute which tended to bring Baltimore into collision with the English government. The Assembly of Maryland, in 1671, laid a tax of two shillings a hogshead on exported tobacco. Of this

The murder of Rousby.[5]

[1] The history of the Jesuit mission is to be found in the reports appended to White's Narrative.

[2] There is a long account of one such dispute in the *Colonial Papers*.

[3] The Protestant side of the case is well set forth in a remarkable pamphlet among the *Colonial Papers*, evidently drawn up by a Maryland Puritan. It is addressed to the English public, and specially appeals to the "magnificent Lord Mayor and Aldermen." It begins with a narrative of the Virginian troubles, in which the corruption and greed of Berkeley and his young wife are severely handled.

[4] Baltimore, in a letter to Lord Anglesey, calls Fendall and Coode "two rank Baconists." *Colonial Papers*, July, 1681.

[5] The case of Rousby is very fully set forth in the *Colonial Papers*.

one-half was applied to public expenses, and the other half went into the pocket of the Proprietor.[1] The Act of Navigation passed in 1662 had, amongst other clauses, imposed a duty of a penny a pound on all tobacco exported from the plantations and not imported direct to England. The duty of collecting this was entrusted to a separate officer, appointed by the crown. Difficulties almost of necessity arose between this collector and the local authorities, appointed by and responsible to the Proprietor. Another subject of conflict was the precise boundary line which separated the waters of Maryland from those of Virginia, a question which, in the case of shipping dues, became a fertile source of dispute.

In 1681 an order of Council was issued commanding Baltimore to make good two thousand five hundred pounds lost to the crown through his refusal to assist the tax-collector. He was furthermore accused of having illegally imprisoned the tax-collector to prevent his own misdeeds being reported to the English government. In the following year the matter became still more serious. Rousby, the king's tax-collector, had made himself specially obnoxious to Baltimore and his adherents as a zealous Exclusionist. His duties made it necessary that he should have a conference with the Proprietor's representative, and accordingly they met on ship-board.

If Baltimore meditated no violence, his choice of a spokesman was singularly unfortunate. He was represented by one Colonel George Talbot, an Irish Papist, certainly akin, if not in blood, at least in temper, to his namesake and fellow countryman, Tyrconnel. He was well received and hospitably treated on board. After pouring forth a succession of drunken blasphemies varied by drunken expressions of friendship, he broke into a violent altercation with Rousby, and suddenly pulling out a dagger wounded him mortally. Talbot was at once arrested, and as the affair had happened in Virginian waters, he was sent off to Jamestown for trial. Before he could be tried, he escaped from prison and fled to some outlying settlements where he remained undetected. The Governor of Virginia then brought the matter before the Privy Council. Talbot himself received the royal pardon without, so far as we can see, any valid grounds. But the severity with which the Privy Council censured Baltimore, and the plain intimations given him that any disregard of govern-

[1] Bacon.

ment would imperil his charter, showed how insecure was his position and how little he had to hope from the favor of the court.

In reality it may well be that the severity, or at least the coldness, of the king stood Baltimore in good stead at a later day. If his fortunes had been more closely bound up with the house of Stuart, they must have been far more wholly overthrown in the retribution which befell it. The proprietary rights of Baltimore were in part suspended, in part destroyed, by the revolution of 1688. If he had been a prominent supporter of the fallen house, it is scarcely possible that any portion of those rights would have been suffered to survive.

In 1683 Baltimore left his colony never to revisit it. His presence had apparently acted as some check on the aggressive designs of the Papists. During the five years which followed, the bitterness of religious and political parties grew more intense, till it was brought to a head by the state of affairs in England. The revolution in Maryland followed a course not unlike that which it took in the mother country. During 1688 and the early part of 1689, the revolutionary party remained quiet. In October, 1688, a circular from James II. warned the colonists of the intended attack from Holland. From that time forward no official communications seem to have passed between the inhabitants of Maryland and either the *de jure* or *de facto* government, until the colonists had fully identified themselves with the latter.

A revolution threatened.

Meanwhile rumors ran through the colony of wholesale preparations for a massacre of the Protestants, of invasions concerted with the French Jesuits, and of prayers openly put up in the churches for the success of the Jacobite arms in Ireland. The Protestants during this time seem to have been quietly and successfully organizing their forces. They were fortunate in their leader. Coode had been implicated thirty years before in the strange and abortive revolution headed by Fendall. During the interval, though no definite act of treason was alleged against him, he seems to have incurred the name of a plotter and an agitator. Yet his conduct in the great crisis of the Revolution shows him to have been a man of capacity and decision,

Outbreak of hostilities.[1]

[1] Our knowledge of these proceedings is mainly derived from the *ex parte* statements made by the persons concerned. Each of course assigns very different temper and motive to the actors, but in substance there is little discrepancy.

while the offenses with which he is charged are those which are hardly to be avoided in time of revolution.

In July, 1689, the insurgents took up arms in various parts of the colony. Their principal force was directed against the Proprietor's official residence near St. Mary's. In his absence this was occupied by the Governor, Colonel Quarry. He surrendered at once, satisfying himself with a formal protest that he yielded to superior force. It is significant that in this instance, as indeed throughout the whole of the contest, the issue seems to have been, not between James and William, but between the Proprietor and his Protestant subjects. The colonists seem with sound judgment to have taken up the ground of silently acquiescing in the Revolution established in England, as a measure which bound them without any voluntary act of adhesion on their part.

Throughout the whole colony the Revolution was effected with the same ease and completeness as at St. Mary's. In every county save one the Protestants rose, and were suffered to obtain a complete and unchallenged victory. Strange to say, the single instance of loyalty to the Proprietor was in Ann Arundel, formerly the stronghold of Puritanism. No explanation of this is given in any contemporary documents. That county, we are more than once told, was now the richest and most important in the colony, and it is possible that increasing prosperity had dulled the edge of religious zeal and predisposed the inhabitants to a quiet acquiescence in the rule of the established powers.

In analogy to the procedure adopted in the mother country, a Convention was now elected. The defeated party loudly accused the Revolutionists of employing unfair influence at the election, and depriving their opponents of their rights alike of speaking and voting. Yet a number of addresses were sent from the supporters of the Proprietor to the English government, a step which could hardly have been carried out had the victorious party really wished to repress freedom of speech. Like its prototype in England, the Maryland Convention wisely abstained from claiming any of the formal powers of a legislature beyond those which the state of affairs made absolutely needful. It voted that the existing laws of the province should stand good for three years. Its principal, apparently indeed its only, important measure, was to appoint a committee to inquire into the truth of the alleged intrigues between the Maryland Papists and the French settlers in Canada. No details of

Proceedings of the victorious party.

their procedure are extant beyond a curt report, declaring that the charges were proved. This statement, however, cannot be looked on as having much value, seeing that it was drawn up within less than a fortnight after the appointment of the committee.

Baltimore deprived of his political authority.

The dispute now entered on a new phase. Was the Proprietor to retain his power, or was the colony to pass under the direct rule of the crown? From all the counties two sets of addresses were sent in to the English government, pleading one for, one against, the retention of the proprietary system. In every county, save Ann Arundel, Baltimore's opponents outnumbered his supporters.

If the new sovereign had adopted the principles of his predecessors, there would have been little doubt of the result. Sixty years before, when the Puritan colonists had discussed the expediency of obtaining a charter from the king, one of their leaders had used the pregnant words: "If there should be a purpose or desire to wrong them, though they had a seal as broad as the house-floor, it would not serve the turn, for there would be means enough found to recall or reverse it." The dissolution of the Virginia Company and that attack on the chartered rights of Massachusetts which was only frustrated by the Revolution, were the best comment on the sagacious words of the Puritan prophet. Looked at merely as a matter of procedure, the conduct of William was fully as arbitrary as that of his predecessors. The destruction of the Virginia Company and the attack on Massachusetts observed the technical formalities of law. William took the government of Maryland into his own hands by an exercise of irresponsible power, in which he was fortified only by the opinion of Chief Justice Holt as to the lawfulness of the proceeding.[1] That opinion, too, though explicit as to the right of the crown, was certainly not explicit as to the expediency of exercising that right. Yet here, as in so many cases, the seemingly arbitrary conduct of William was, in truth, better and fairer than the seemingly lawful conduct of either James. The Virginia Company was overthrown with a ruthless disregard for the pecuniary interest of the members, and with a disregard even more cruel for those higher aims and aspirations which had furnished the leaders of the Company with so noble an incentive to action. The

[1] Holt's written opinion in the form of a letter to the Lord President of the Council is among the *Colonial Papers*.

members of it were loyal and devoted citizens, whose labor and money had been laid out for no mere hope of personal gain, but for objects with which every true Englishman sympathized. Baltimore had never shown that his position as Proprietor had for him anything but a money value, and in the overthrow of his political power his pecuniary rights were strictly recognized and respected. The form of deprivation may have been, as Holt evidently thought, ill-chosen, but no one can doubt the substantial necessity of the measure. Coode may have been an unscrupulous agitator, his followers may have represented a narrow and repulsive form of fanaticism, yet no one can doubt that a Papist garrison planted in the very heart of our English settlements would have been an ever-increasing source of danger.

Even during the course of procedure events occurred which showed how unsatisfactory was the system which gave a Roman Catholic virtual sovereignty over Protestants, and which preserved an isolated and almost independent principality among a group of dependent colonies. Tidings came from Maryland that Paine, the new collector, had shared the fate of his predecessor, Rousby. There is nothing to show that Baltimore was even as much implicated in this as he was in Talbot's crime. The murder had been committed by certain disaffected Marylanders, and had apparently risen out of a private quarrel.[1] Yet even so it illustrates the unsatisfactory nature of the extant system. At the same time there came an address from the Assembly so bitter in tone towards Baltimore, and so laden with charges that the crown could hardly, in the face of such a display of feeling, have been justified in maintaining his proprietary rights.[2] This document not only brought up the stock charges of intriguing with the Canadian Papists against the English colonies, but also accused Baltimore of imitating the policy of the deposed king, by dispensing with statutes, packing Assemblies, imposing illegal dues, and interfering with the courts of justice. These charges may have been exaggerated, and Baltimore's absence from the colony shows that the guilt, if guilt there was, attached rather to his supporters than to himself. But the attitude of the Assembly towards the Proprietor goes far to justify the crown in refusing to perpetuate a state of things which could only have led to fresh dissensions.

[1] This is stated in a letter written by Coode to the authorities in England. Baltimore's partisans in their reply admit the fact, but try to extenuate it.

[2] This document is copied in *Entry Book*, No. liii.

The only attack on Baltimore's private rights came not from the crown, but from the Maryland colonists. The chief sources of the proprietary income were three. Firstly, there were the quit-rents. These, by an Act of the Assembly, passed in 1671[1] and confirmed in 1674,[2] were made payable in tobacco at a fixed rate of twopence per pound. Secondly, by the same Acts, the Proprietor received one-half of the duty on exported tobacco. Over and above this he received a port duty of fourteen pence per ton on the cargo of all vessels trading in the colony.[3] No attempt was made to interfere with either the quit-rents or the tobacco duty. The Assembly, however, petitioned that the duty on imports should be appropriated to them on the plea that it had been originally designed, not as a port duty, but as a fort duty, that is, as an impost for purposes of defense. This unscrupulous attempt only brought upon them a reproof from the crown.[4] The policy of the king and his advisers was clear and definite. The rights of sovereignty and the rights of proprietorship were sharply separated. The former were transferred from the Romanist Proprietor to the crown, the latter were left complete and untouched.

Dispute as to the Proprietor's revenue.

The first act by which the crown marked its new authority was the appointment of a Governor, Lionel Copley. The whole policy of the crown towards the colonies in the years which followed the Revolution will come before us at a later stage. But we shall find a more convenient halting place if we trace the slight and uneventful thread of Maryland history down to the day when the rights of sovereignty were restored to the house of Calvert.

Establishment of the royal authority.

The Revolution brought about the same change in Maryland which we have marked of an earlier date in Virginia. It substituted English officials bound by all their interests and connections to the mother country for the old type of governor who was a colonist, if not by birth, at least by association and feeling. The political history of Maryland falls into the ordinary routine of a colony under the immediate control of the crown. Its monotony is only varied here and there by petty internal dissensions or small constitutional difficulties with the home authorities. One of the most noteworthy of these occurred at the death

[1] Bacon, 1671, ch. xi. [2] *Ib.*, 1674, ch. i.

[3] The financial position of the Proprietor is set forth by Bacon in an appendix to the Act of 1671.

[4] The petition of the Assembly and the answer are to be found in the *Colonial Papers*.

of Copley, and serves to illustrate the incompleteness of the new system. At Copley's death two claimants for the Governorship arose. Blakiston, the President of the Council, a man of some importance in the colony, claimed the post as standing next in official rank, while Sir Thomas Laurence, of whom nothing is known save that he was a member of the Council, put forward the plea that Copley had bequeathed the office to him by will. It is scarcely needful to say that his claim went unheeded, and that Blakiston acted as Governor till a regularly commissioned successor came out.[1]

Nicholson as Governor.

Above the train of insignificant officials that pass across the stage during this period of Maryland history, one robust figure towers pre-eminent. In Maryland, as in every one of the colonies where a long and varied career led him, Francis Nicholson brought the activity and intelligence of a vigorous temper and a clear brain. There, as in Virginia, we see him grasping at once the true principles on which the commercial prosperity of the colony should rest, stirring up a torpid community into some zeal for education and religion, and at the same time throwing a vigilant and comprehensive glance on the whole body of colonies, and missing no feature which bore either on their own welfare or their utility to the crown. His letters from Maryland, like those from Virginia, give an admirable picture of the aspect in which our colonial empire at that day presented itself to a vigorous, clear-headed official of no specially exalted views or aspirations.

His reforms.

In Maryland as in Virginia, Nicholson was the advocate and promoter of education. The college of William and Mary had indeed no rival on the north side of Chesapeake Bay. Still, it was something to persuade the Assembly to establish and endow a free school at St. Mary's, and to make provisions for extending the system throughout the colony.[2]

In another of his schemes for reform Nicholson was less successful. In Maryland as in Virginia, there had been a constant struggle between the natural tendencies engendered by the country and the views of those in power as to the welfare of the settlers. Just as in Virginia, the abundance of navigable rivers forbade the growth of ports or towns. Year after year the lack of them was a subject of complaint with the authorities at

[1] The whole of this dispute is told of in a letter from Maryland, September 21, 1693 (*Colonial Papers*).

[2] Bacon, 1696, ch. xvii.

home and the officials in the colony. In 1696 an Act was passed constituting Annapolis a city with a municipal government.[1] It was easier, however, to constitute a city than to wean the Maryland settlers from their straggling habits, and, as in Virginia, urban life played no part in the development of the colony.

Another step in the same direction was taken in 1706, when an Act of Assembly was passed appointing wharves and ports throughout the colony, and limiting their number to three at least in any one county. This Act, however, and another passed in the next year, changing some of its details, were vetoed by the crown.[2]

In one respect Nicholson was less fortunate in Maryland than in Virginia. In Virginia it is clear that his activity and public spirit won the esteem and love of the settlers. In Maryland, on the other hand, whether from a laxity of moral character which offended the dominant Puritans, or from his friendship for the Church of England, he incurred the bitter hostility of one party. The attacks upon him are preserved in memorials which assuredly discredit no one but their authors. Nicholson may have been a man of vicious life and at times high-handed in his exercise of power. Indeed the school in which he had been trained was one which hardly left a possibility of rigid private or public virtue. But the charges brought against Nicholson by his opponents in Maryland confute themselves by their very violence. They depict him wallowing in the foulest sensualities, outdoing the shamelessness of a Sedley or a Wharton, and treating his subordinates and even his favorites with all the brutal caprice of an Eastern despot. Such, we may be sure, was not the man who won the friendship and esteem of Blair, and who in every colony where he held office stood out as the model of an able and well-advised administrator.[3]

Attacks on Nicholson.

Disaffection towards their governor seems to have been the leading note of the Maryland Puritans during the interval between the Revolution and the restoration of the Proprietor. In addition to the accusations brought against Nicholson's private character, we find him charged with open and avowed manifestation of Jacobite sympathies. That a public of-

Rumors of Jacobitism.

[1] Bacon, 1696, ch. xxiv. [2] *Ib.*, 1706, ch. xiv.

[3] Both the private and political attacks on Nicholson are preserved in the *Colonial Papers*. One of the charges is so grossly indecent that it has been omitted in one draft, and erased, though imperfectly, in another.

ficial should have celebrated the birthday of the Pretender with public rejoicings, with a salvo of cannon, and with treasonable toasts drunk at his own table, is a story not to be accepted on the evidence of a few fanatical Puritans. Yet such were the charges sent home to England, not only against Nicholson, but against one of his successors, Harte, who held office from 1714 to 1720.

Anglicanism established.[1]

The Protestant feeling of the colony showed itself more definitely and practically than in these old wives' tales. From the Revolution onward the whole course of legislation showed how completely the once dominant Papists had sunk into the position of an insignificant and oppressed minority. As we have already seen, Anglicanism was only one of a variety of creeds which coexisted in Maryland in a state of mutual toleration. If Baltimore's report may be believed, the Church of England was surpassed in wealth, numbers, and influence by nearly all the chief sects of Nonconformists. In 1677 there were only three Anglican clergymen in the whole colony. There were but few churches and no endowments. Burial in unconsecrated ground was the prevailing practice.

In Maryland as in Virginia, the reproach which rested on the Church of England was in a great measure overcome by the pious energy of one man. Bray, like Blair, was one of those honest and sagacious divines who in the latter part of the seventeenth century united the zeal and ecclesiastical loyalty of the Nonjuror with the practical good sense of the Latitudinarian. His earnest representations as to the neglected condition of the colonial churches led to the incorporation and establishment of the Society for the Propagation of the Gospel in Foreign Parts. Another fruit of his labors was the collection in England of books to form parish libraries for the use of the colonists. We, however, are chiefly concerned with his conduct in Maryland as Commissary for the Bishop of London. He was appointed to that office in 1698, and arrived in the colony in 1700. The Anglican party in the colony just then stood in special need of assistance and advice. In 1692 an Act had been passed by the Assembly declaring the worship of the Church of England to be the established form for

[1] I have taken this account of the establishment of Protestantism, and the disputes that accompanied it, from the Journals of the Assembly, which are among the *Colonial Papers*; from *The History of the Protestant Church in the United States*, by F. L. Hawks; and from a book entitled *Public Spirit Illustrated in the Life and Designs of T. Bray*, by Samuel Smith, LL.D., Rector of All-Hallows, London, published in 1746.

the colony. But it does not appear that any definite measures were then taken towards providing a maintenance for the clergy. To remedy this an Act was passed in the lower chamber in 1698 for raising a church rate by a duty on tobacco. The measure does not seem to have met with any effectual opposition either from the Roman Catholics or the Dissenters. It was nearly lost, however, through the perverse and injudicious conduct of the Burgesses. They thought it a good opportunity for exacting from the English government a formal declaration of the rights and liberties of the colony. Relying on the anxiety of the crown to see Protestantism legally established in a once Papist colony, the Burgesses tacked to this Act a clause wholly alien from the matter of the bill, declaring that the colony should henceforth be governed according to the fundamental laws of England. Nicholson remonstrated, and at last arranged a compromise by which the words "laws and statutes" were substituted for "fundamental laws." At the same time he warned the colonists that the English government would never assent to a law which contained in itself two distinct substantive enactments totally different from one another in kind. As Nicholson foresaw, the bill was vetoed. For the next three years repeated attempts were made to carry a like measure, but the crown, influenced, it is said, by the representatives of the Maryland Quakers, remained firm, and the veto was continued. At length, in 1700, the Assembly, acting under the persuasion of Bray, withdrew the obnoxious clause, and the measure passed.

In 1715 the conversion of the fourth Lord Baltimore to Protestantism brought about the revival of his proprietary rights. The view taken by the crown and its advisers was that these were only in abeyance, and that as soon as the inabilities imposed by the Proprietor's religion came to an end, his rights revived. But though the Proprietor was formally restored, his position was changed. The interval of twenty years had broken the spell of personal influence, nor was any sentiment of loyalty likely to revive when its object was an obscure youth who had never set foot in the colony. His power was no longer supported by the influence of the Jesuits, nor his dignity upheld by any memories of the founder, and hereafter Maryland shows but faint traces of the peculiar conditions of its origin.

Restoration of the Proprietor.

CHAPTER XII.

THE TWO CAROLINAS.[1]

That remarkable outburst of colonizing energy which followed the Restoration was not without its effect on the history of Virginia and Maryland. There, however, it led to little more than an increase of administrative vigor. It had more conspicuous and abiding results in the conquest of New York, the settlement of Carolina and the ex-

Fresh impulse towards colonization after the Restoration.

[1] The material for the early history of Carolina is abundant, yet hardly satisfactory. We have no contemporary writer like Smith, nor even one of the inferior authority of Beverley. The first printed book on the subject is called *A Brief Description of the Province of Carolina*, published in 1666. This contains a description of the country, and a short account of the proceedings of the settlers in 1664. This was followed in 1682 by a full account written by Thomas Ash, who had been sent to report on the colony on behalf of the crown. We have also a confused and rambling history of the colony up to 1707, by John Archdale, an ex-Governor.

All these, together with other pamphlets bearing on the early history of the colony, are published in the second volume of Carroll's *Historical Collection of South Carolina*, New York, 1836.

To make up for the deficiency of printed authorities, the English archives are unusually rich in papers referring to Carolina. There are letters and instructions from the Proprietors, individually and collectively, and reports sent to them by successive governors and other colonial officials. It is remarkable, however, that while we have such abundant material of this kind, there is a great lack of records of the actual proceedings of the local legislatures in North and South Carolina. In North Carolina we have no formal record of legislative proceedings during the seventeenth century. In South Carolina they are but few and scanty till after the overthrow of the Proprietary Government. Moreover, the early archives of Carolina, though abundant, are necessarily somewhat confused. The northern and southern colonies, while practically distinct, were under the government of a single corporation, and thus the documents relating to each are almost inextricably mixed up. Again, while the Proprietors were the governing body, the colonies in some measure came under the supervision of the Lords of Trade and Plantations, and at a later day of the Board of Trade. Thus much which concerns the colony is to be found in the *Entry Books* of the latter body, while the proprietary documents themselves are to be found partly among the *Colonial Papers*, partly in a special department containing the *Shaftesbury Papers*.

The earliest printed records of Carolina that I have been able to discover are contained in Cooper's *Laws of South Carolina*, Columbia, 1837. Even this only gives the titles of enactments till 1685. In North Carolina we have no printed record of legislation under the Proprietary Government, except in Trott's *Collection*, and this only preserves those that refer to church matters.

Turning to later authorities, we have one of great value in Mr. Rivers's *Sketch of the His-*

tension of our dominion in the West Indian Islands. It may seem, perhaps, strange that such an evil tree as the reign of Charles II. should have borne any good fruit. But the political and moral depravity of the age must not blind us to its redeeming features. The generation which witnessed the foundation of the Royal Society, which led the vivid and many-sided life portrayed by Pepys, and which furnished Dryden with the models for Zimri and Achitophel, had at least no lack of activity and power. The foreign policy of Cromwell had revived that national spirit of enterprise and self-reliance which had animated the Elizabethan heroes, and which had faded under the spiritless tyranny of James. Ever since the downfall of the Virginia Company the passion for colonization had slumbered, save when it was awakened by religious enthusiasm, or when some isolated adventurer like Calvert renewed the traditions of an earlier generation. Now, however, the colonizing impulse sprang up anew, almost as fresh and vigorous as in the days of the great queen. There was indeed less romance and less enthusiasm about this revival. The spirit of the missionary and the crusader had a smaller share in it, the quest for gain a greater. Yet the later movement, like the earlier, aimed at something beyond mere profit, and found its supporters among the greatest statesmen and philosophers of the age.

The grant of Carolina.

In March, 1663, eight patentees, among whom were Albemarle, Clarendon, Ashley, and Sir William Berkeley, obtained a grant of all the land between the southern frontier of Virginia and the river St. Mathias in Florida.[1] The charter differed conspicuously from any similar instrument which had preceded it. Like Calvert's patent, it gave the Proprietors absolute sovereignty over the territory, with only a vague reservation of the rights of the king, embodied in the clause that the

---

tory of South Carolina, to the close of the Proprietary Government, Charleston, 1856. He has done for that colony what Mr. Bozman did for Maryland, though in a less diffuse form. He has constructed a consecutive narrative out of the archives of the colony, without indeed much attempt to incorporate his narrative into an artistic whole. This, while diminishing the value of the book from a literary point of view, enhances it as a magazine of authentic facts. In every case Mr. Rivers has so indicated his authority as to make the task of verification easy, and in many instances he has printed the original documents in an appendix.

Chalmers's *Political Annals of the United Colonies* is a valuable authority as preserving some documents referring to Carolina which appear to be no longer extant. This portion of his work is published in Carroll's *Collection*.

Williamson's *History of North Carolina*, Philadelphia, 1812, is largely founded on original documents, and probably, like the works of Stith and Beverley, embodies valuable local traditions.

1 *Colonial Papers*, 1663, March 24. A full abstract is given in Mr. Sainsbury's *Calendar*.

province and its inhabitants were to be subject immediately to the crown of England. In one important matter the Proprietors were emancipated from the common law of England. They were specially empowered to grant liberty of conscience. In this we can perhaps trace one of the earliest symptoms of the attempted alliance between the court party and the Nonconformists. The Proprietors were, furthermore, invested with the right of making war, and with all powers needful for that purpose, and they might impose taxes and confer titles of honor, provided they were such as did not already exist in England.

So far the rights conferred on the Proprietors were as ample as those given to the founders of Maryland. But there was one important difference. Baltimore's charter made him absolute as against his subjects. The rights of self-government which the people of Maryland afterwards acquired were obtained by usage and mutual agreement, and found no place in the original constitution of the colony. The charter of Carolina expressly provided for assemblies of the freeholders, and only invested the Proprietors with temporary and conditional powers of legislation.

Reservation of popular rights.

Two years later this charter was recast. The only difference in the new instrument was that the limits of the territory were extended and defined with more precision.[1]

The land conferred upon this newly-constituted body was not unexplored nor even unoccupied territory. In 1629 Sir Robert, afterwards Chief Justice, Heath had obtained a grant from Charles I. of land to the south of Virginia.[2] His intention seems to have been to break this up by subletting it to others, who were to carry out the practical details of settlement. One portion was to be occupied by a body of French Protestants.[3] Another was granted to Vassall, whose name appears more than once at a later date in the history of Carolina.[4] No settlement, however, was made. Heath's grant remained a dead letter, and was formally revoked in favor of the new patentees.[5] All that

Sir Robert Heath's grant.

[1] *Colonial Papers*, 1665, June 30.

[2] Heath's patent itself does not seem to be extant; but there are repeated references to it in the *Colonial Papers* of 1629 and 1630, and also at the time of the later grant.

[3] There are several documents extant referring to this settlement, including the agreements between Heath and the Baron de Sancé, who organized the French settlement, and the regulations drawn up by the latter for his colony. *Colonial Papers*, 1630, March.

[4] *Colonial Papers*, 1630, May.

[5] This was done by an order in Council, August 12, 1663. It is among the *Shaftesbury Papers*.

remained was the name of Carolina, which the loyal gratitude of Heath had bestowed on his territory.[1]

Though Heath's patent had led to no results, the territory granted to Albemarle and his colleagues was not without English settlers. The circumstances of its occupation show that we are entering on a new phase of colonial history. The colonizing power of the mother country was in a measure exhausted. The causes which had set on foot the great movement for colonization early in the century were spent, and the civil war, though it may have called out a restless spirit of enterprise, had, by lessening the population and relieving civil and religious grievances, done away with the chief incentives to emigration. But as the resources of the mother country failed, the colonists themselves began to fill the gap. The settlements in their turn began to expand and to throw out new offshoots. New England, Virginia, and Barbadoes all began to overflow, and each had a share in furnishing the population of Carolina.

Emigration from the other colonies.

Before going further, it may be well to clearly enumerate the different settlements in the territory of Carolina.

The various settlements within the territory of Carolina.

I. A settlement from Virginia on Albemarle River, which became the nucleus of North Carolina.

II. A settlement from New England near Cape Fear, which dispersed and was absorbed into No. I.

III. A settlement from Barbadoes, also near Cape Fear.

IV. A settlement from England at Charlestown. This more than once changed its site, absorbed No. III. in the course of its wanderings, and finally grew into South Carolina.

Before going into the history of the more successful attempt from Virginia, it may be well to dispose of the short-lived and unprosperous settlement of the New Englanders. The names of its founders, and even its precise date, are unknown. The earliest mention of it in any contemporary document is in a petition dated August 1, 1663, addressed to the Proprietors by some planters from Barbadoes who wished to settle in the same neighborhood. From this we learn that the New England emigrants were then dissatisfied with their new abode, and had sent home reports disparaging the country.[2] A few scattered references in the archives of Massachusetts and elsewhere show us the colony struggling and unprosperous,[3] and a tradition lin-

The colony from New England.

[1] The name is used in the earliest documents concerning Heath's patent.

[2] *Colonial Entry Book*, No. xx. p. 12.

[3] Hutchinson states in a foot-note to his *History of Massachusetts* (vol. i. p. 260), that a

gered on in Carolina that a quarrel with the Indians, provoked by the settlers themselves, led to their final dispersal.[1]

The first emigrants from Virginia.

The early history of the settlement from Virginia is fuller, though even here we have nothing like a continuous record. The first authentic traces of emigration are connected with names which recall the heroic and romantic age of Virginian history. A son of Sir George Yeardley was perhaps the first Virginian who attempted to find a home beyond the southern boundary of his own colony. His exploits there are recounted in a letter addressed to a surviving member of the house of Ferrar. He depicts himself living alone among the savages, and combining the functions of a trader and a missionary in a manner more often found among the French settlers on the Canadian lakes than on the English frontier.[2]

Government established by Berkeley.

The path thus opened was followed up, and more than one entry in the annals of Virginia tells us that the government encouraged adventurers to explore the lands to the south.[3] There is nothing, however, to show the precise date at which the first body of settlers from Virginia established themselves within the borders of Carolina. But it is clear that their earliest settlement tallied nearly in time with the grant to Albemarle and his colleagues. The first official recognition of their presence is a commission dating from September, 1663, which authorizes Berkeley to appoint two Governors, one for the settlement on the northeast of the Chowan River, the other for that to the southwest.[4] The name of the river at the same time was changed to Albemarle in honor of the senior Proprietor. The Governors thus constituted were to have the power of appointing all officials excepting the Secretary and Surveyor, and of making laws with the consent of the freemen.

This commission was amplified aud explained in a set of formal instructions to Berkeley and in a letter addressed to him by the Proprietors. They explain that their motive for constituting

---

collection was made in New England for the distressed settlers of Cape Fear. We shall come across another reference to the destitute state of the settlement. There is also a letter from Vassall, who had a pecuniary interest in the colony, in which he speaks of the loss of the country. *Colonial Papers*, 1667, October.

[1] Lawson's *History of North Carolina*, p. 74.

[2] This letter is given in Anderson's *History of the Colonial Church*, ed. 1856, vol. ii. p. 309.

[3] Hening, vol. . pp. 262, 422.

[4] This commission and the instructions accompanying it are copied into *Colonial Entry Book*, No. xx. p. 34.

two Governors is to meet the wants of two sets of colonists differing in their religious views. The settlement is to be laid out in a methodical manner. Here, as afterwards, we see that the Proprietors of Carolina had learned wisdom from the errors of the Virginians. Berkeley is not to make any attempt at forcing urban life on the settlers. But in order to hold the colony together, lots were to be laid out on a peculiar and somewhat unintelligible system. Each settler was to have ten acres along the river, so arranged as to give him about twenty yards of water frontage. The rest of his lot was to be so far back as to allow room for a second row of ten acre lots behind the first. One obvious difficulty about this is that each planter's main holding would be about a mile and a half from his homestead, nor is there anything to show how this inconvenience was to be remedied or lessened. In accordance with the precedent of Virginia, quit-rents were to be remitted for three, four, or five years, at Berkeley's discretion. Twenty thousand acres of the best land were to be set apart for the Proprietors specially with a view to vine-growing. After he had completed these arrangements Berkeley was to explore the coast farther south and report on its fitness for settlements.

How far Berkeley carried out these instructions does not appear. There is indeed nothing to show that he had any dealings with the Southern colony. His one recorded act in connection with the Northern colony, the appointment of a Governor, is invested with a melancholy interest. His choice fell on William Drummond, the man whose tragic end formed so sad and shameful a chapter in Berkeley's own career.[1]

Further progress of the colony.

The next view that we get of the new settlement is from a letter written two years later by Woodward, the Proprietor's surveyor.[2] This report is full of instruction. The writer points out that if the Proprietors aim at drawing away settlers from Virginia, they must make the conditions of land tenure more favorable, not, as at present, more exacting, than those of the neighboring colony. Small freeholders, he points out, have not capital enough to advance an infant community. That can only be done by attracting large landowners. Nor is it possible by any enactments to concentrate the population in towns. Let the trade of the colony be definitely established in certain ports and market places, and towns will follow in natural course.

---

[1] *Colonial Entry Book*, No. xx. p. 22.

[2] *Shaftesbury Papers*, 1665, June 2.

After another interval of two years we find the colony under Drummond's successor, Stephens.[1] The instructions sent to him by the Proprietors seem to show that the young settlement was beginning to take the forms and feel the wants of an established community. The effect of these instructions was to give the settlers a large share of self-government, with a constitution in some respects resembling that of the parent colony, Virginia. The Governor was to appoint not more than twelve nor less than six Councilors. The representative element in the Assembly was for the present to consist of twelve deputies, chosen by the whole body of freeholders. This arrangement, however, was only conditional, and as soon as the country was properly settled, there were to be two deputies chosen out of each "denizen, tribe, or parish." The body thus formed was to be entrusted with many powers which might have been more fitly granted to the Governor and Council. In fact, the Assembly was placed in something like a position of absolute sovereignty. It was to appoint public officers, to establish law courts, to create territorial divisions, manors, and towns, and to take all steps needful for the defense of the colony. True to the principle on which they had started, the Proprietors granted complete liberty of conscience and belief, subject only to the condition that such liberty was not used for the injury or disturbance of citizens.

So far the constitutional history of North Carolina[2] is fuller and clearer than is usual with communities at so early a stage of their existence. Now, however, we have a sudden change. For the next forty years the annals of North Carolina become more meagre than those of any of our American colonies. The reason is not far to seek. Hitherto North Carolina had absorbed all the energy of the Proprietors. Now it sinks into insignificance beside another settlement of greater social importance and commercial promise. So distinct were the colonies of North and South Carolina that it will be best to finish our survey of the older, though less prosperous, settlement before we deal with its southern neighbor.

The history of the colony becomes obscure.

The constitution embodied in Stephens's instructions was, as we have already seen, intended to be merely provisional. In 1667 the Proprietors, or rather Locke on their behalf, drew up that constitution by which their tenure of government in Carolina is

[1] For Stephens's commission and instructions see *Entry Book*, No. xx.

[2] I call it North Carolina by anticipation as the most convenient name. As we shall see, the expressions North and South Carolina did not come into use till some years later.

best known.[1] As a rule, the constitutions of our American colonies were distinguished by simplicity and by their definite and practical character. We find in them no spirit of ingenuity or contrivance, no trace of any craving for ideal perfection, hardly even an adequate respect for definiteness and precision. They were, in fact, direct offshoots from the constitution of the mother country, and, like the parent stock, they had all the characteristics of a system which is the growth of many generations, not the handiwork of one.

The Fundamental Constitution.

The two Carolinas formed in result no exception to their sister colonies. For all practical purposes Locke's constitution, with its elaborate details and minute provisions, might as well have never existed. In dealing with it, we are discussing, not an integral portion of the history of Carolina, but rather a peculiar episode in the history of political thought.

The so-called Fundamental Constitutions of Carolina, true to their name, aimed at being a constitution, not a code. Their provisions may be most conveniently considered under three heads: political, territorial, and general. The first head would include that portion which defined and arranged the relations of the various members of the body politic. Closely connected, though not identical, with this was an elaborate system of land tenure. Lastly, certain principles were laid down for the regulation of religion, the administration of justice, public defense, and the like.

The government was to be a territorial aristocracy, with the Proprietors at its head. The eldest of them was to take rank as Palatine, with a certain limited pre-eminence. At his death this rank was to devolve on the Proprietor next in age. The whole country was to be divided into counties, each consisting of eight seigniories, eight baronies, and twenty-four colonies containing twelve thousand acres apiece. Of these the seigniories were to pertain to the Proprietors, the baronies to the subordinate nobility, the colonies to the commonalty. Each Proprietor was to hold one seigniory in every county. The nobility below the Proprietors was to consist of landgraves, one for every county, holding four baronies each, and caciques, two for every county, holding two baronies each. These dignitaries were to be nominated by the Proprietors, four landgraves and eight caciques by the

[1] The first draft of the Fundamental Constitutions is printed in Carroll, vol. ii. p. 361. The later modifications of them are to be found in the *Shaftesbury Papers*, under the respective years in which they were issued.

Palatinate, one landgrave and two caciques by each other Proprietor. No one might hold two dignities. Upon the extinction of any member of each order, his place was to be filled by the senior member of the order below. Up to the year 1710, either of these dignities, with the land pertaining to it, might be alienated. After that all alienation was forbidden, and rank and land were to descend exclusively by inheritance. Manors of three thousand acres each might be created out of the land set apart for the commonalty, and these were to be henceforth indivisible, although alienable.

The executive and judicial power was vested in the Proprietors, each of whom was to be an officer of state. The titles of the seven below the Palatine were to be Chancellor, Chief Justice, Constable, Admiral, Treasurer, High Steward, and Chamberlain, with functions corresponding to their several titles. Each of these officers of state was to be assisted by a court, nominated on a complex system, according to which landgraves, caciques, and commons were all to be represented by members of their own body.

In addition to these seven courts the whole body of eight Proprietors was to sit under the title of the Palatine's court, of which four members might act as a quorum, the Palatine himself being one. This body could summon parliaments, pardon offenses, dispose of public money with certain limitations, and negative all acts or resolutions, either of the Grand Council or Parliament. Any absentee or infant Proprietor might be represented by a deputy, whose powers were coextensive with those of his principal, except that he might not confirm Acts of Parliament, or nominate either landgraves or caciques.

The Grand Council was to consist of the whole body of Proprietors and Councilors from the various courts. It was to act as a court of appeal, to make peace or war, and to have an initiative in al legislation.

The remaining legislative powers were vested in the Parliament. This was to consist of all the Proprietors or their deputies, the landgraves, caciques, and the representatives of the freeholders. The latter were to be chosen by precincts, of which there were to be four in each county. The qualification for voters was to be a freehold of fifty acres, that for members five hundred acres. The whole body was to sit as a single chamber, except in one special case. If any Proprietor or his deputy protested against

an Act as unconstitutional, the House was to be resolved into four chambers, one of each order, and if a majority of any one chamber sustained the protest, the measure was lost. The judicial power was vested in the Chancellor's court, and the local courts, which were to sit for each county and precinct, under officers appointed by the Palatine's court, with certain territorial qualifications. A freehold of fifty acres was required in the case of jurymen as well as of voters. In addition, lords of manors were empowered to hold leet-courts.

Of the general provisions, the most important were those having reference to religion. A clause was inserted, contrary, it is said, to the express wish of Locke, enacting that at some future time, when the state of the country permitted, the Church of England should be established by law. The whole system of religious legislation was what may be called one of modified intolerance. Every church was to enjoy full religious liberty, on condition that it accepted as its general tenets the existence of a God, the duty of public worship, and the necessity of some form of oath. To enjoy the rights of a church it was necessary that a community should consist of at least seven members, and any adult not belonging to such a body was thereby rendered incapable of office and wholly deprived of benefit and protection from the laws. It is needless to dwell on the harshness of a system which denied all political and civil rights to any unfortunate who could not find six others to join with him in terms of religious association. Another clause savored but little of the philosophic toleration which might have been looked for in Locke, since it enacted that no person should in any religious assembly speak irreverently or seditiously of the government, Governor, or state affairs, a provision wide enough to cover any amount of spiritual tyranny. Somewhat of the same sort was the clause forbidding any reproachful, reviling, or abusive language, against the religion of any church or profession, as likely to lead to a breach of the peace. The religious welfare of the slave was protected by a statute, permitting him to be a member of a church. But no attempt was made to mitigate the temporal evils of slavery, since the law expressly gave every master "power and authority" over his negro slaves. Just above the negro was to be a class called leet-men and meant, perhaps, to answer to the indented servants of other colonies. They were to be attached to the soil, and might not even leave the plantation temporarily without special

license. In one respect their condition was to be far worse than that of the indented servant in Virginia or Maryland. He worked out his term of service and became free. Not only was the leet-man himself a slave, but his descendants were to be so also "to all generations." Practically, this part of the Constitutions appears to have been from the outset a dead letter, and was abandoned upon the last revision in 1698.

Their general character.

At first sight it might appear as if the chief faults of these institutions were their complexity and cumbrousness. Elaborate they doubtless were, yet the minuteness of their details tended rather to definiteness than complexity. The titles of the nobility, too, have served to invest the Fundamental Constitutions with an air of absurdity. But it must be remembered that the charter expressly forbade the Proprietors to confer any titles of honor already existing in England. Only some borrowed or newly-invented terms remained, and the names of landgraves and caciques seem as convenient and natural as any others. The really fatal defect of the system was its lack of elasticity, its disregard for local peculiarities and variety of natural conditions, its inability to meet unforeseen forms of social and political growth. The Proprietors, indeed, so far felt this that they never attempted to force the constitutions upon their colonists. This elaborate system was to wait till the settlement had reached a fitting degree of development. But meanwhile the colonists were moulding their habits of life according to an entirely different system. Was all their political experience up to a certain fixed period to go for nothing, or was it likely that a community would quietly submit to be divorced from its past and to begin life afresh? To frame a ready-made Constitution is in any case a doubtful experiment. It must be a hopeless one in the case of a new community with unknown conditions of life and industry.

Successive changes in the Fundamental Constitutions.

It may be as well, even at the expense of strict chronological order, to follow up the fate of these Constitutions. In 1670, and twice in 1682, they were modified. The changes introduced, however, were little more than formal. The most important was one which tended to strengthen the position of the Proprietors. The original draft provided that all members of the Grand Council might be expelled for misdemeanor. This was made inoperative as against the Proprietors and their deputies, on the ground that they had an inherent and original right. The order of precedence among

the state officials was more precisely defined. An article of faith professing a belief in a future life of happiness or misery was added to those hitherto required from every church.

Articles were also successively added limiting the endowment of religion to the Church of England, specifying the sources from which that endowment should be drawn, and providing that no minister of religion should hold any secular office.

None of these alterations in any way affected the substantial character of the Constitutions. But in 1698 changes were introduced of a far more sweeping nature, plainly designed to bring the Constitutions into unison with the practical needs of the colony. The meaningless system of leet-men and leet-courts and the seven proprietary courts were all swept away. An attempt was made to convert the landgraves and caciques into a reality by a clause requiring from each a certain property qualification in land and slaves. The latter clause shows how rapidly the circumstances of southern life begot and recognized an aristocracy built on slavery. Any landgrave or cacique who during forty years failed to fulfill this condition thereby forfeited his estate and rank. At the same time land was made alienable by will. But these endeavors to force the Constitution into harmony with the wants and wishes of the colonists were labor in vain. For thirty years Carolina had gone on without landgraves or caciques. The colonists had meanwhile been growing yearly in independence and self-reliance. It could not be expected that such a community would suddenly change its whole national life at the bidding of men to whom it was not bound by any tie of common interest or sentiment.

Last change in 1698.

There is a somewhat grotesque contrast between this elaborate monument of legislative ingenuity which we have just examined, and the crude and practical enactments which form the first recorded specimen of independent law-making in North Carolina. One, and only one part of the Fundamental Constitutions, was put in force at the outset. Each Proprietor nominated a deputy. The colony was divided into four precincts, each of which by a temporary arrangement returned four members. The deputies and the elected representatives apparently met together as a single chamber. Their enactments so far as they survive were: that no man should for the space of five years be sued for any debts contracted out of the colony; that all settlers should for one year be exempt

Enactments actually passed.

from taxes; and that marriages might be legally contracted by a simple declaration of mutual consent made in the presence of the Governor. The first of these enactments seemed almost intended, and the second and third were in no wise ill-fitted, to make the colony what it in a great measure became, an Alsatia for needy and profligate adventurers.[1]

Condition of the colony.

For the next ten years the history of North Carolina is a blank. Isolated by swampy and almost pathless forests alike from its northern and southern neighbors, and neglected by the Proprietors, who lavished all their energies on their more prosperous settlement in the south, North Carolina struggled on, depending mainly on its trade, often illicit, with New England. Direct intercourse with the mother country was checked alike by the poverty of the colony and the badness of its harbors. So far as any relations existed between the Proprietors and the colonists, they were unfriendly. The Proprietors were naturally anxious to establish a communication between Albemarle and their southern province. Some of the leading colonists, on the other hand, enjoyed the exclusive profits of the trade with the Indians who occupied the intermediate territory, and had no wish to risk that monopoly by establishing a chain of settlements.[2]

The rebellion of 1678.

This obstinacy of the settlers and the increase of smuggling at length induced the Proprietors to take steps toward bettering matters. With this view, in the autumn of 1676 they appointed a Governor, Eastchurch, with express instructions to watch their commercial interests.[3] What followed is not easily understood. It is not hard to get a clear outline of the facts. The difficulty lies in judging the motives and characters of the actors. We have only for our guidance memorials drawn up by partisans on each side. To ascertain the true nature of the matter is like trying to spell out the history of a corrupt election from the conflicting statements of a Tory attorney and a

[1] I have failed to find the original draft of these laws. They are quoted by Williamson, vol. i. p. 120, and referred to by Chalmers in his *Political Annals* (Carroll, vol. ii. p. 291).

[2] This is stated in a document quoted by Chalmers from the *Carolina Papers* (Carroll, vol. ii. p. 237).

[3] This and all that follows as to the rebellion is taken from documents quoted by Chalmers as above, and from reports in the Entry Books for trade and Plantations. These documents consist of a long statement addressed by Shaftesbury to the Board of Trade stating the whole case, a report presented by the Proprietors to the Board of Trade, two short reports dealing only with the case of Culpepper, signed by six of the Privy Council, and an *ex parte* statement on behalf of Miller. Williamson also publishes in an appendix, vol i. p. 132, a justification of the rebellion, signed by thirty-four of the insurgents. I have relied mainly on Shaftesbury's statement and the general report of the Proprietors.

Radical tradesman. Eastchurch vanishes at once from the scene, or, more correctly speaking, never appears on it. Instead of carrying out his instructions, he stayed at Nevis, engaged in the successful pursuit of an heiress, and transferred his functions in Carolina to a deputy. Miller, whom he chose for that post, had been already appointed collector of the king's customs in North Carolina. That he was drunken and violent seems to have been admitted by friends and enemies alike. His honesty was asserted by the advocates of the Proprietors, but denied, though in a somewhat vague and confused way, by the popular party. For eighteen months he is said to have abused his power by interfering with the constitutional rights of the Assembly. It is clear, too, that Miller's duties as collector of customs brought him into conflict with the local authorities. This, like the case of Rousby, illustrates the evil effect of a double system of revenue. Another source of disaffection arose out of a dispute about the quit-rents. The original intention of the Proprietors had been to levy a quit-rent of a halfpenny per acre. Berkeley in his eagerness to tempt settlers lowered this to a farthing. The Proprietors apparently did not wish to annul the arrangement made by Berkeley, but for the future decided to return to the original rate. This seems to have given rise to a rumor, diligently circulated by the popular party, of a general scheme for raising quit-rents. In all these ways ill blood had been engendered, when the matter was brought to a climax by the arrival of a ship from New England under the command of a Captain Gillam, who proceeded to sell arms to the disaffected party. The authorities not unnaturally took fright at this and arrested him. This was the signal for an outbreak. The ringleaders were one Culpepper, who had already graduated in sedition in South Carolina, George Durant, one of those who had followed Drummond from Virginia, and Bird, the collector of customs, who had connived at the contraband trade with New England, and dreaded detection. They imprisoned seven of the deputies, enlisting the eighth on their side, put Miller in irons, and summoned an Assembly. This body confirmed the authority of the insurgent leaders, and appointed Culpepper collector of the customs in the place of Miller, transferring to him at the same time the funds in Miller's possession, amounting to over twelve hundred pounds, with a large quantity of tobacco.

It must not be forgotten that this outbreak was almost identical in time with Bacon's rebellion in Virginia. There is no direct

proof of connection, but Bacon's choice of "Carolina" for the watchword of his troops can scarcely have been a chance fancy.[1] Moreover Drummond, Bacon's chief adviser, perhaps one might almost say his political master, had been among the chief founders of North Carolina, and in his follower, Durant,[2] we have a direct link between the two insurgent parties. Baconist, we know, was a term of reproach with the loyal party in Maryland, and in the similar, though not united, action of the three colonies, we trace one of the first faint symptoms of a common political life.

Miller, apparently about a year after his imprisonment, escaped and made his way to England. Eastchurch in the mean time had reached Virginia. His attempts to assert his authority were frustrated by his death, which left the rebel leaders masters of the situation. It says something for their forbearance in the hour of triumph that they sent two commissioners to England, promising full obedience to the Proprietors, but at the same time insisting on justice against Miller. The proprietors seem throughout to have shown a lack of vigor in their dealings with Albemarle, which contrasted strangely with the habitual energy of their early proceedings in South Carolina. Their next step was to send out one of their own body, Seth Sothel. He was as useless as Eastchurch, and more unfortunate. On his outward voyage he was captured by Algerine pirates. This left the whole control of affairs virtually in the hands of the popular party. An Act of oblivion was passed by the Assembly, and the colony returned to its normal state of comparatively tranquil anarchy.

The expulsion of Miller and the usurpation of his office by Culpepper were not only attacks on the authority of the Proprietors, but also on the rights of the crown. On this ground Culpepper was arrested while on ship-board, under a warrant from the Privy Council, and tried in England for high treason. He was ordered to make restitution for the funds which he had seized,[3] but the influence of Shaftesbury secured his acquittal from the criminal charge on the ground that his proceedings only amounted to a riot, and that high treason was impossible in North Carolina, since no settled government existed there.[4]

---

[1] *Vide supra*, p. 332.

[2] Durant, or, as he is called, Duren, is specially mentioned by a New England writer as one of the leaders of the Virginian Puritans. (Johnson's *Wonder-working Providence*, book ii. ch. ii.)

[3] This is affirmed in Shaftesbury's statement, and in the report of the six Privy Councilors. Whether Culpepper ever did make this restitution does not appear.

[4] Chalmers in Carroll, vol. ii. pp. 306, 340

Two years later Sothel escaped from his Algerine prison and reached North Carolina. Of his career there we know but few details, but he left behind a vague tradition of extortion and rapacity, alike in public and private matters. The records of the time furnish us with a list of his misdeeds in each department. A letter addressed to him by the Proprietors accuses him of unjustly imprisoning two innocent men, with harshness which led to the death of one of them, of arbitrarily arresting one who would have gone to England to give evidence against him, and of seizing private property.[1] When instructed by the Proprietors to appoint a commission to try persons accused of disorders, probably those guilty of the attack on Miller, he nominated three of the actual offenders.[2] Another document presents the Governor of the colony in something like the position of a common sharper, appropriating a parcel of lace and money sent to a woman in Carolina by her friends in London.[3] At length, in 1688, the colonists rose up against him with the intention of sending him to England for trial. He thereupon petitioned to be tried on the spot by the Assembly. His request was granted; the Assembly deposed him from his office and banished him from the colony for twelve months. The Proprietors demurred to the form of this procedure, but acquiesced in the substance of it, and thereby did something to confirm that contempt for government which was one of the leading characteristics of the colony.[4]

Deposition of Sothel.

During the years which followed, the efforts of the Proprietors to maintain any authority over their northern province, or to connect it in any way with their southern territory, were little more than nominal. For the most part the two settlements were distinguished by the Proprietors as "our colony northeast of Cape Fear," and "our colony southwest of Cape Fear." As early as 1691 we find the expression North Carolina once used.[5] After that we do not meet with it till 1696.[6] From that time onward both expressions are used with no marked distinction, sometimes even in the same document. At times the Proprietors seem to have aimed at establishing a closer connection between the two colonies by placing

Connection between North and South Carolina.

[1] Rivers, p. 430.
[2] Letter from the Proprietors, February, 1684. The letter is given by Mr. Rivers.
[3] Williamson, vol. i. p. 270.
[4] *Colonial Entry Book*, No. xxii. p. 177.
[5] *Ib.*, p. 201.
[6] In a letter from the Proprietors to Archdale, September, 1696.

them under a single Governor.[1] But in nearly all these cases provision was made for the appointment of separate Deputy-Governors, nor does there seem to have been any project for uniting the two legislative bodies.

Rebellion of 1711.[2]

In 1711 North Carolina again emerges from obscurity, and here, as before, a rebellion is the incident to which we owe our knowledge of its history. There is a certain likeness between this event and the outbreak of thirty years earlier. Each was in some measure brought about by an accidental interregnum, and each was headed by a ringleader who had already made himself conspicuous in South Carolina, probably a professional intriguer of the type of Ferguson or Goodman. The part of Culpepper was now played by one Cary, who, in spite of an evil reputation, had received from Johnson, the titular Governor of the whole colony of Carolina, the appointment of Deputy-Governor for the northern province. The Proprietors disapproved of Cary's conduct, apparently in financial matters, and suspended him. At the same time they appointed one Glover President of the Council pending the arrival of Hyde, whom they had nominated Deputy-Governor. Cary, dreading a scrutiny of his proceedings, took up arms. His party is somewhat oddly described as consisting of the Quakers, and "a rabble of loose and profligate persons."[3] With their help he attempted to turn out Glover and establish himself at the head of affairs. During the struggle Hyde arrived. Unluckily, Johnson's successor, Tynte, from whom the Deputy-Governor was to have received his commission, was dead, and Hyde could only produce the Proprietors' letters instead of a formal appointment. He was then appointed President of the Council, probably as a compromise till the arrival of his full commission, and in that capacity he summoned an Assembly. Cary and his party thereupon refused to acknowledge the authority of this body. Hyde then arrested Cary and some of his followers, and the Assembly proceeded to pass a number of harsh enactments against them. At this stage a character comes on the scene who gave the whole course of affairs a turn widely different from that which events

[1] This was done in the cases of Ladwell and Archdale. The latter spent most of his time in South Carolina, but he possessed lands in the northern colony.

[2] The archives of Carolina tell us little about this rebellion. Fortunately the want is supplemented by the very full dispatches of Spotswood, the Governor of Virginia. We have also two letters from Hyde, written in August, 1711.

[3] Spotswood, July, 1711.

had taken thirty years before. Then Virginia was dominated by a faction which, as far as it took any interest in Carolina, sympathized with the insurgents, while the loyal party was headed by one who had neither intelligence nor energy to spare for his neighbors' affairs. Now Virginia was at peace within herself, and her Governor, Spotswood, was a loyal, resolute, and vigorous man, a worthy successor to Nicholson. He came forward with an offer to mediate between the two factions. Cary consented to a conference, but both Hyde and Spotswood distrusted him, fearing a plot to seize the heads of the loyal party. Cary then made an attack on Hyde from the sea. Baffled in this, he penetrated into the country of the Tuscaroras, hitherto at peace with the English, and tried to bring upon the colony the horrors of an Indian war. The young warriors of the tribe were in his favor, but the sober wisdom of the chiefs restrained them.[1] Cary's party then broke up, and most of them were arrested, some in Virginia. Their further fate is obscure, but as their leader, Cary, was released and lived on in Virginia unmolested, we may suppose that, as before, order was re-established without any infliction of severity.[2]

Troubles with the Indians.

The immediate ill-consequences of Cary's rebellion were but slight. It would seem, however, to have had some share in bringing upon the colony its first Indian war. Hitherto the relations between the settlers and the savages had been peaceful, and for the most part friendly. There had been petty disputes concerning land and trade, and in 1703, Governor Daniel benevolently prohibited the sale of rum to the savages.[3] The natives of North Carolina migrated or dwindled under the baneful influence of civilization. Only one tribe, the Tuscaroras, numbering twelve hundred warriors, confronted the settlers in sufficient strength to be a source of alarm.[4] In 1711 they came for the first time into active collision with the English. Cary's intrigues, if they had not actually instigated the Tuscaroras to take up arms, had revealed to them the disunion and weakness of the settlers. Moreover, there is reason to think that the intrigues of the French with the Indians had extended so far as to stir them up, not only against the frontiers of New York, but even against the more distant English colonies.[5]

---

[1] Spotswood, July, 1711. [2] Williamson, vol. i. p. 176. [3] *Ib.*, p. 187.

[4] Williamson gives this statement apparently on the authority of a MS.

[5] Spotswood states this, giving as his authority a letter from the Secretary of New York to the Governor of North Carolina.

The actual outbreak of hostilities is connected with events which have an independent interest of their own. After the second devastation of the Palatinate in 1693, a number of the houseless inhabitants had fled to England and established themselves there under the protection of the queen. There were at this time in Carolina two land speculators, Christopher de Grafenried, a Swiss baron, and one Lewis Mitchell, who had been employed by the canton of Bern as an agent to look for territory suited for a settlement.[1] These two men purchased a tract of land in North Carolina which they decided to people with six hundred of the exiled Palatines. The English government gave a sum of money towards the expenses of the journey, and this help was supplemented by private charity. Grafenried and Mitchell were, as part of the bargain, to provide tools and to advance stock as a loan. Three hundred and fifty acres were alloted to each household at a fixed rent, and the exiles became a flourishing community.[2]

The Palatine settlement.

In 1711 their leader, Grafenried, as it would seem without fault of his own, brought upon the colony the misfortune of an Indian war. He made an exploring journey into Indian territory accompanied by John Lawson, the state surveyor.[3] Their alleged object was the establishment of a more convenient land route to Virginia. Grafenried's companion had been for ten years a sojourner in the wilder parts of Carolina, and we owe to his pen the liveliest and most familiar account of the wilderness and its occupants which the early colonial age produced.[4] Unfortunately he had incurred the enmity of the Indians both in the discharge of his official duties and, as it would seem, by some private offenses. Accordingly he and Grafenried, while traveling without any suspicion of mischief, were suddenly seized and held in bondage by the savages. The matter was conducted with that air of judicial deliberation which we not unfrequently find in the vengeful actions of the Indians. Grafenried pleaded that he was no Englishman, but the chief of a small separate tribe. He was released on payment of ransom, promising at the

Execution of Lawson.

[1] Williamson, vol. i. p, 182.

[2] The agreement of Grafenried and Mitchell with the Palatines is given by Williamson in an appendix, vol. i. p. 275. The preamble to the agreement relates the circumstances of their settlement.

[3] The circumstances of this journey, ending in the death of Lawson, are told in a letter from Grafenried to Hyde, published by Williamson in an appendix, vol. i. p. 192.

[4] The book is somewhat inappropriately called a History of North Carolina. It was originally published at London in 1714, and was republished at Raleigh in North Carolina in 1860. Mr. Tyler gives a good summary of it, vol. ii. p. 282.

same time the neutrality of the Palatines and an amnesty, with certain other conditions, in the name of the English. Towards Lawson the savages were unrelenting, and he was put to death, probably with all the horrors of an Indian execution.

This first outrage was but the prelude to a combined attack on the English. A simultaneous onslaught was made on the frontier plantations and in a single day one hundred and twenty of the settlers perished.[1] Grafenried's stipulation on behalf of his own people was disregarded and the Palatines furnished half the victims.

The Tuscarora War.

A force was immediately raised against the Indians. The colony turned for help to its southern neighbor. South Carolina sent a body of auxiliaries including a party of friendly Indians.[2] The supreme command seems to have been vested in the leader of the South Carolina contingent, Captain Barnwell, who, it is said, had some private grudge against Hyde.[3] He laid siege to the chief Indian fort and quickly reduced it to extremities. But instead of following up his advantage, Barnwell, in the words of Spotswood, "clapped up a peace on unaccountable terms." He made this lenity even more fatal by attacking some Indian settlements in defiance of his treaty. He then retreated to South Carolina, leaving his unhappy allies to pay the penalty of his treachery. Scarcely had the South Carolina troops crossed their own frontier when two English settlements were subjected to the horrors of a second attack. The settlers again took up arms, and a force, consisting mainly of Indians, was sent from South Carolina under the command of James Moore, whose father had not long before held the office of Governor. Virginia, too, voted a sum of money for clothing and feeding troops. As before the Tuscaroras were besieged in their chief stronghold. With an unusual want of prudence, they had chosen a spot unfurnished with water. This oversight was fatal: the fort fell and nearly all the defenders, to the number of six hundred, were taken prisoners, a loss which utterly shattered the power of the tribe. The rest of the Tuscaroras came to terms and accepted a humiliating peace, compelling them to deliver up twenty of those who were specially guilty of the first massacre, to restore all

1 Williamson says a hundred and thirty without giving his authority, and Mr. Rivers either confirms or follows him. Spotswood distinctly says sixty English and sixty French.

2 I have taken my account of what follows from Spotswood's dispatches and from Mr. Rivers, who has worked up the MS. journals of the South Carolina Assembly.

3 Williamson, vol. i. p. 195.

prisoners and spoil taken from the English, to give hostages, and to take active steps towards punishing and reducing those tribes with whom they had been lately in alliance.[1] One remnant of the Tuscaroras stayed in the neighborhood of Roanoke, the rest wandered northward and were absorbed into the confederacy of the Five Nations.[2] For many years afterward North Carolina enjoyed peace, and the memory of her one Indian war was only kept alive by the institution of a solemn fast on the anniversary of the massacre.[3]

Records of legislation in North Carolina.

Two years later we meet with the first recorded specimen of North Carolina legislation since the days of Stephens.[4] Unluckily, the only portions of it which survive are those which bear on religious and ecclesiastical affairs, and on the kindred subject of moral discipline. The Church of England was for the first time established by law and nine parishes laid out. At the same time liberty of conscience was granted to Dissenters, and as in England, an affirmation was accepted from Quakers instead of an oath. Drunkenness, incontinence, and Sabbath-breaking were all made penal. Legislation of this kind tells us but little of the temper and character of a community. It may either represent the common and natural feeling of society, or it may be a violent protest against practical abuses. All that we read of the social life of North Carolina would incline us to the latter view.

In 1720 the first event occurred which throws any clear light from without on the internal life of the colony. In that year boundary disputes arose between Virginia and her southern neighbor and it was found necessary to appoint representatives on each side to settle the boundary line.[5] The chief interest of the matter lies in the notes left to us by one of the Virginian Commissioners. Colonel William Byrd was a rich planter, whose multifold activities and varied accomplishments recall that generation of Englishmen to which Virginia owed her origin. Educated in England, then called to the bar and elected a Fellow of the Royal Society, afterwards for thirty-seven years a Councilor in Virginia, three times agent at the English court, and the leading spirit in every industrial enter-

General condition of the colony.

[1] Williamson publishes this treaty, vol. i. p. 202.
[2] *Ib.*, vol. i. p. 203.
[3] Trott's *Ecclesiastical Laws*, p. 96.
[4] *Ib.*, p. 83.
[5] The following account is taken from Byrd's *History of the Dividing Line*, published in 1841, with Byrd's other writings, under the title of the *Westover MS.* Mr. Tyler describes them (vol. ii. p. 272) and gives a sketch of Byrd's career.

prise, Byrd shows us how active and brilliant a career lay open to a great Virginian landholder. His description of North Carolina must be taken with some deductions. Its counterpart is to be found in those accounts of Highland life given by English travelers in the seventeenth century, from which historians have drawn an exaggerated picture of squalor and misery. Byrd, unquestionably, was a man to appreciate keenly the contrast between the habits in which he had been trained and the sordid life of a squatter in North Carolina, nor was he likely to resist the temptation by throwing his comments into a pungent and telling form. Yet, after making all such deductions and checking Byrd's report of that of graver writers, there remains a picture of poverty, indolence and thriftlessness, which finds no counterpart in any of the other southern colonies. That the chief town only contained some fifty poor cottages is little or nothing more than what we find in Maryland or Virginia. But there the import trade with England made up for the deficiencies of colonial life. North Carolina, lacking the two essentials of trade, harbors and a surplus population, had no commercial dealings with the mother country. Strings of pack-horses brought furs from the Catawba Indians, to be reshipped in small New England vessels or again carried overland to Virginia. The only possessions which abounded were horses and swine, both of which could be reared in droves without any care or attention. The abundance of horses, indeed, was an evil, since it encouraged the slothfulness of the settlers and withheld them from exploring those districts which could only be reached on foot. The country was well fitted for horned cattle, but that resource was wasted, as the management of a dairy was beyond the skill of a North Carolina housewife. Even hunting seems to have been but little practiced, and the colonists were content to live almost wholly on pork, to the great injury of their health.

The evils of slavery existed without its counter-balancing advantages. There was nothing to teach those habits of administration which the rich planters of Virginia and South Carolina learned as part of their daily life. At the same time the colony suffered from one of the worst effects of slavery, a want of manual skill. Carolina tar might have undersold that of Scandinavia in the English market, had there been sufficient intelligence and industry to insure good packing.[1]

[1] Williamson, vol. ii. p. 213.

The political state of the colony is told in language which recalls the mediæval description of Northern Italy when

> De tributo Cæsaris nemo cogitabat,
> Omnes erant Cæsares, nemo censum dabat.

The protection which the law granted to alien debtors was in itself a guaranty for the presence of a worthless population.

Religious authority fared no better than civil. Edenton enjoyed, according to Byrd, the evil pre-eminence of being the one capital in the world without any place of worship.

During all this time the influence and authority of the Proprietors was but a dead letter. All idea of enforcing the Fundamental Constitutions had long been abandoned. The constitution of the colony was assimilated to that of its neighbors. The Governor and five of the Council were nominated by the Proprietors, the remaining five by the representatives of the people. The lower house was elected by precincts, of which there were originally four, each returning five members. New precincts were added, each of which returned two, a difference which gave rise to more than one dispute.[1] In 1729 the faint and meaningless shadow of proprietary government came to an end.[2] The crown bought up first the shares of seven Proprietors, then after an interval that of the eighth. In the case of other colonies the process of transfer had been effected by a conflict and by something approaching to revolution. In North Carolina alone it seems to have come about with the peaceful assent of all parties. To the Proprietors it was a distinct financial gain. To the crown it was advantageous as a measure of administration, especially in dealing with smugglers. For the colonists themselves the proprietary government had done nothing which was likely to win their loyalty or gratitude. Thus, without a struggle, North Carolina cast off all traces of its peculiar origin and passed into the ordinary state of a crown colony.

Extinction of the Proprietary government.

We must now return to the more populous and far more prosperous colony south of Cape Fear. The first attempt of the Proprietors in that direction was made at about the same time and in the same fashion as that at Albemarle. Instead of relying on the resources and surplus popula-

The settlement at Cape Fear.

[1] Williamson, vol. i. p. 163; vol. ii. p. 57. Compare the Proprietors' instructions to Harvey, President of the Council, 1679, February 5.

[2] Williamson, vol. ii. p. 25. The case with which the transfer was effected is shown by the slight traces left in contemporary documents.

tion of the mother country, the Proprietors aimed at peopling their territories from the overflow of the other colonies. As Virginia was to be the parent of North Carolina, so was Barbadoes to furnish the Southern colony. In each case the Proprietors were not so much establishing a colony of their own as taking advantage of an impulse which drove a body of independent settlers towards their territory.

In August, 1663, a number of rich planters in Barbadoes proposed to purchase a tract of land in Carolina from the Proprietors, on condition that they were allowed to form an independent community with legislative powers.[1] The details of their procedure are very obscure, and we must be content with isolated facts which enable us to trace the general course which the progress of the colony took. In January, 1665, the Proprietors granted to Sir John Yeamans, an old Cavalier settled in Barbadoes, a commission investing him with powers closely resembling those given to Stephens.[2] The most noteworthy feature in his instructions is a clause bidding him do his utmost to encourage immigration from New England, whence the chief stock of settlers might be expected. The spot chosen for the settlement was Cape Fear, or, as some more euphemistically called it, Cape Fair, a promontory a hundred and sixty miles southwest of Albemarle.[3] The colony began prosperously, and within a year of its first settlement numbered eight hundred inhabitants.[4] Then we suddenly lose sight of it. Yeamans was afterwards promoted to the Governorship of the more important settlement on Ashley River, and it is probable that his personal influence brought about the gradual and informal amalgamation of the two settlements. The only lasting effect of the colony at Cape Fear was to imbue the settlers of Carolina with the habits and traditions of Barbadoes, and thus to further the process which made South Carolina prominent among the Southern colonies as the stronghold of slavery.

Sandford's voyage.

While the settlements at Albemarle and Cape Fear were struggling on, neglected and obscure, the energies of the Proprietors were finding full scope elsewhere. In all their proceedings which we have at present followed, the Pro-

[1] *Colonial Entry Book*, No. xx. p. 10. [2] *Ib.*, pp. 20–22.

[3] It is first formally called Cape Fear in the proposal of the Barbadoes planters, above referred to. In Yeamans's instructions it is called Cape Fair.

[4] This is stated in *The Brief Description of Carolina*, 1666. The writer, however, antedates the colony by a year. The official documents above referred to leave no doubt as to the true date.

prietors were only playing the part of landholders with a territory occupied and cultivated by tenants living and working after their own fashion. Now, for the first time, we see them entering on the task of colonization with a persistency and a disregard of outlay which recalls the early days of the Virginia Company. In June, 1666, they sent forth their secretary, Robert Sandford, on a voyage of discovery.[1] His adventures, told by himself with great fullness and graphic simplicity, recall the days of Amidas and Gosnold. After narrowly escaping shipwreck, he explored the coast from Albemarle to Port Royal and followed the course of a river, probably the Pedee, for thirty miles inland, delighted with the kindness of the Indians and the richness of the country. Foremost in the work of exploration was a friend of Shaftesbury, Dr. Woodward, whose name appears more than once in the annals of the colony. The discoverers found traces of the Spaniards, afterwards such dangerous neighbors to Carolina, in a cross erected in an Indian village, but no longer remembered as an object of worship. The homeward, like the outward voyage, was beset by dangers. The fleet of three vessels touched at Cape Fear. There they found the colony in such distress that it was deemed necessary to dispatch one vessel to New England to procure food. In place of this ship Sandford hired a Barbadoes merchantman. Of what follows he tells us enough to excite our curiosity without satisfying it. The captain, he says, went mad and threw himself overboard, and the ship returned to Charles River "under the much more quiet and constant, but little more knowing and prudent, conduct of a child."

Project of a southern colony.

The Proprietors now determined to establish a colony near the mouth of the river explored by Sandford. The settlement was to be composed of a number of emigrants from England reinforced by others from Ireland, and possibly from Barbadoes and the Bermudas. The government was entrusted to a planter from the last-named colony, William Sayle, a Puritan and a Nonconformist, whose religious bigotry, advanced age, and failing health all promised badly for his discharge of the task before him.[2] His deficiencies were fortunately supplemented

[1] Sandford's account of his voyage occupies thirty-two pages of MS. in the *Shaftesbury Papers*.

[2] Sayle's own letters show more piety than ability. Yeamans, writing to the Proprietors, November 15, 1670, describes him as a man of no great sufficiency. West says that he was "very aged, and hath much lost himself in his government"; and another settler, writing from Carolina, plainly calls him "ancient and crazed."

by the abilities of Joseph West, who was entrusted with the command of the fleet till it reached Carolina. He was also appointed storekeeper, and in this capacity and in his subsequent career as Governor controlled for twelve years the finances and well being of the colony.[1] As in the case of North Carolina, the Fundamental Constitutions were suspended as unfitted for an infant colony. The temporary constitution which was to supply their place was embodied in the commission and instructions issued to Sayle.[2] The Governor, as in North Carolina, was to be assisted by a Council of ten, half appointed by the Proprietors, half elected by the freemen. The freemen were also to elect a Parliament of twenty representatives, and the whole was to form a legislative body of two chambers. The Governor and Council were to appoint courts of law and might nominate a Deputy-Governor to act in the Governor's absence. The greater offices of state were to be vested in the Proprietors' deputies, the lesser were appointed on a peculiar and cumbrous system, each of them being nominated by one of the higher rank.

Industrial schemes of the Proprietors.

The views of the Proprietors as to the social and industrial state of the colony are clearly shown in the instructions issued to Sayle and his successors.[3] The Proprietors made it fully clear that their object was not, on the one hand, to establish a mere factory for trade, nor, on the other, to stock a territory with cattle, but to build up gradually and carefully a community containing in itself both the agricultural and commercial elements needful for prosperity. West was instructed in very plain and forcible language to "provide for the belly by planting store of provisions" before he aimed at producing merchantable commodities, save in small quantities by way of trial. Nor were any of the Proprietors' vessels to be used for trade so as to divert them from their proper task of transporting emigrants. A hundred and fifty acres of land were to be granted to every freeman who went out at his own cost, with an addition of one hundred and fifty for every man-servant, and one hundred for every woman-servant whom he might transport. A hundred acres were to be granted to all servants at the expiration of their term of service. These quantities were to be diminished in the next year to one hundred acres, and seventy acres

1 Mr. Rivers well sums up West's good services, p. 130.

2 *Carolina Entry Book*, No. xx.

3 All these are to be found in the *Board of Trade Entry Books*, and are quoted by Mr. Rivers in his Appendix.

respectively, and after that date to seventy and sixty. The poorer class of settlers were to be supplied with food, clothes, and tools as a loan out of the common store.

Especially were the Proprietors anxious that the settlements should, like those of New England, be grouped round some urban centre, instead of being, like Maryland and Virginia, scattered abroad over the country. The Governor was instructed to choose the first eligible site on the river for a town. Others were to be laid out on navigable rivers, each having a wharf in common. Every freeholder was to have, in addition to his country estate, a town lot of one-twentieth the extent of his whole domain. The acquisition of large unoccupied territories was kept in check by the condition that a grant of a barony was to be void unless the territory was within seven years occupied by thirty tenants. In the case of a manor fifteen tenants were required. The danger of a conflict with the savages was guarded against by two provisions, one forbidding any settlement within two and a half miles of an Indian town, unless a river intervened, the other prohibiting the enslavement of any native.

The Proprietors went yet further in the task of supervision. Their instructions to West touch on minute details of management. They specify the number and age of the men to be shipped at Barbadoes, the kind of soil in which the grapes are to be planted, the cultivation of ginger and of the various seeds and roots which are to be brought from the West Indies. Even the exact amount of food to be served out from the public store is specified, and a fixed rate laid down at which the proprietary dues may be paid in the commodities of the country.

In the same year the Proprietors sent out a vessel to trade on their behalf. The instructions to the captain are interesting as illustrating both the minute care of the Proprietors and the commercial prospects of the new settlement.[1] Halstead, the commander of the vessel, is to inspect and report on the state of the colony, and to arrange a trade between Carolina, Barbadoes, and the Bermudas. He is to inquire into the resources of the country in wood, fisheries, and dyeing stuffs. From Carolina he is to sail to Barbadoes with a freight of timber and pipestaves. Thence he is to take on board a cargo of rum and sugar, and also a party of emigrants for Carolina. Having landed the latter, he is to take his goods to Virginia, and thence to bring cattle and provisions

[1] These are printed by Mr. Rivers in his Appendix, p. 359.

for Carolina. From Carolina he is to bring a second load of timber to Barbadoes to be exchanged for goods suited for the Bahamas. Finally he is to bring a ship-load of timber from Carolina to England. During his voyages he is to lose no opportunity of studying the products of the various countries for the benefit of the settlers.

In January, 1670, the fleet set sail. The attempt to get additional emigrants from Ireland failed. A letter from Kinsale tells the Proprietors that the Cromwellian settlement had so increased the prosperity of the country that there was no longer a superfluity of unemployed labor.[1] In April the settlers reached their new home. The spot originally designed for them, Port Royal, was found to be an unsuitable site. Accordingly the settlers established themselves about fifty miles northward, on a high point on the bank of Ashley River.[2] The site of the new settlement was called Albemarle Point, in disregard of the fact that the name had already been taken by the northern colony. During the course of the following winter Sayle died. His place was temporarily filled by West upon the nomination of the Council.[3] This appointment, however, was not confirmed by the Proprietors. Yeamans, whom we last saw as Governor of the colony at Cape Fear, had been promoted to the rank of landgrave, and had thereby acquired a claim to the position of Governor. Accordingly, on the 29th of April, 1672, he was formally proclaimed at the settlement at Albemarle Point, now called Charlestown.[4] West, during his temporary tenure of office, had administered the affairs of the colony with energy and wisdom, and the Proprietors evidently felt that they owed him some explanation of the appointment of Yeamans.[5] The rule of the new Governor seems to have been unsatisfactory alike to the settlers

The early years of the colony.

1 *Shaftesbury Papers*, 1679.

2 No reason is given for the change. Probably Port Royal was too much exposed to invasion from St. Augustine. That this danger was not overlooked is shown by letters from Owen, a leading settler, to the Proprietors. He says that the Spaniards had taught the Indians "only to admire the Spanish nation, and to pay them adoration equal to a deity, possessing them with an opinion that the Spanish people is of an angelical production, and that they are the only masters of the world, and that all other people are their slaves and vassals, and those people that are not subject to them are to be destroyed."—*Shaftesbury Papers*, September 15, 1670.

3 Dispatch from the Council to the Proprietors, March, 1671.

4 Rivers, p. 109. The name of Charlestown is formally conferred by Shaftesbury in a letter to West, October, 1670.

5 Rivers, p. 111. The Proprietors contrast "the care, fidelity, and prudence" of West with the conduct of Yeamans. Shaftesbury, in one of his letters to West, justifies the appointment of Yeamans in a half-apologetic manner.

and the Proprietors. The profit of the latter was sacrificed to the interest of Yeamans's friends from Barbadoes. At the same time the Governor became so unpopular with the colonists that we find Shaftesbury, in 1672, recommending his removal on that ground. That step, however, was not taken till 1674. In that year West was created a landgrave, and was appointed Governor in place of Yeamans. It is not impossible that ill-health may have at least served as a pretext for the change, since in the following August Yeamans died in Barbadoes.

His successor held the office of Governor for twelve years, excepting one short interval of supersession. The best proof of his efficiency is the fact that during that whole time, though there was no lack of discord among the settlers, nor of ill feeling between them and the Proprietors, West enjoyed the confidence and good-will of all parties.

State of the colony under West.

The records of these years give us a clear picture of the social, industrial, and political life of the young community. The second site of the colony was found unwholesome, and a rival settlement to Charlestown sprang up at Oyster Point. The superior healthfulness and convenience of the new site gradually drew off settlers, and in 1680 the seat of government was formally transferred thither, while at the same time the new capital was constituted the chief port of the colony,[1] and formally received the name of Charlestown. In the course of the next year there were more than twenty houses built on the new site, and as many more planned.[2] Oyster Point, however, did not prove thoroughly healthy, and in 1682, and again in 1686, we find the Proprietors instructing their Governor to look out for a new site.[3]

In spite of its drawbacks, Charlestown[4] remained the capital of the colony, and attained a degree of importance and completeness unknown to any other city in the southern colonies. Two years after its establishment as the capital, Charlestown was regularly laid out in large, commodious, and uniform streets.[5] Incidental references scattered through the records of the time show the reality and importance of town life in Carolina. Among the proceedings of the Council we find special provision made for the due management of the watch and for mustering the forces at the

[1] The change of capital is described by Rivers, p. 129.

[2] Letter from the Proprietors, February, 1681.

[3] See the Instructions to Sir Robert Kyrle and James Colleton.

[4] I mean, of course, New Charlestown, the settlement at Oyster Point. I shall henceforth use the name always in that sense.

[5] Ash, in Carroll, vol. ii. p. 82.

capital in case of a sudden attack.[1] In no part of their policy were the Proprietors more energetic and more successful than in forcing urban life on the settlers and preventing them from spreading abroad in scattered plantations after the manner of the Virginians.[2] Every navigable river was to have a port town.[3] No grant of land was to hold good more than fifty miles north or south of Ashley River, or more than sixty miles inland.[4] A squatter population was kept in check by an order that no grant over and above the original allotment should be valid, unless within a year the occupant built a town house of two stories.[5] These restrictions, while insuring the future prosperity of the colony, may have had a share in retarding the increase of population. By 1682 on the most favorable calculation, it fell short of three thousand.[6] The principal exports as yet were furs and timber. Tobacco was cultivated, but the Virginian planters had too firm a hold of the English market to be ousted. Cattle and hogs did well without any care, and the abundance of fish and game released the settlers from the need of labor.[7] Indeed, the chief drawback to the country was too great fertility, with the accompanying dangers of sloth and thriftlessness.

Settlers from various countries.

The sources from which the colony drew its population were various. The original supply of emigrants from England was reinforced from the Bahamas and Barbadoes, and possibly from Ireland. In 1671 a small band of settlers came from New York. At first they formed a separate community, but in time they were absorbed in the general mass of colonists.[8] In 1679 two vessels sent out at the expense of Charles II. brought a band of French Protestants, intended to introduce among the settlers the culture of silk-worms, vines, and olives.[9]

Another of these alien settlements played a more conspicuous part in the history of the colony. About 1680 a few leading

[1] Records of the Grand Council, quoted by Mr. Rivers, pp. 374, 379.

[2] Shaftesbury expressly contrasts Virginia and New England, and holds up the latter as a model in a letter to Sayle, April, 1679, and again to Yeamans.

[3] Instructions to Moreton, May, 1682.

[4] *Ib.*

[5] The Proprietors' instructions, May, 1680.

[6] Ash, in Carroll, vol. ii. p. 82.

[7] *Ib.*, pp. 69–72. Rivers, p. 115.

[8] A document in the *Shaftesbury Papers*, including extracts from letters written by various leading colonists to the Proprietors, states that two hundred families are ready to come from New York. This is in November, 1671. Another undated document states that many had come.

[9] Journal of Board of Trade, No. iii. p. 15.

Scotch Presbyterians planned the establishment of a refuge for their persecuted brethren within the bounds of Carolina. The plan shrank to smaller dimensions than those originally contemplated. Finally Lord Cardross, with a colony of ten Scotch families, settled on the vacant territory of Port Royal. The fate of the settlement foreshadowed the miseries of Darien. It suffered alike from the climate and from the jealousy of the English settlers. The hot swamps of Carolina were no fit abode for the natives of a high latitude. Cardross seems to have regarded himself as the head of a separate settlement, dependent on the Proprietors, but disconnected from the government of Charlestown. As might have been expected, differences soon arose: Cardross quarreled with the authorities at Charlestown, and returned to Scotland to play a not inglorious part in the coming struggle.

The Scotch at Port Royal.[1]

The Scotch colony, forsaken by its leaders, was exposed to special perils. For nearly ten years the dread of a Spanish attack had hung over South Carolina. The border settlement of St. Augustine was but two days' sail from the frontier; Port Royal, perhaps the weakest point in the English settlement, was the southernmost and so the most exposed, and the Spaniard, though no longer as powerful, was as jealous and unscrupulous a neighbor as in the days of Laudonnière and Menendez. In 1680 the threatened storm broke upon the colony. Three galleys landed an invading force at Edisto, where the Governor and Secretary had private houses, plundered them of money, plate, and slaves, and killed the Governor's brother-in-law. They then fell upon the Scotch settlement, which had now shrunk to twenty-five men, and swept it clean out of existence. The colonists did not sit down tamely under their injuries. They raised a force of four hundred men and were on the point of making a retaliatory attack when they were checked by an order from the Proprietors. The colonists, they said, might defend themselves, and even, in the heat of victory, pursue the enemy into his own territory, but they might not deliberately wage a war of retaliation. And then, though perhaps unconscious of the full importance of the question, they pointed

The colony invaded by the Spaniards.

[1] For the history of the Scotch colony up to the time of Cardross's departure, see Rivers, pp. 142–3, and the *Colonial Entry Book*, No. xxii. pp. 45, 221. Mr. Rivers also publishes in an Appendix (pp. 407–409) two letters from Cardross, which illustrate his relation to the Government at Charlestown.

out the danger of allowing a dependency to declare war on a power which was at peace with the mother country.[1]

The Proprietors may have felt, too, that although the immediate attack was unprovoked, the colonists were not wholly blameless in the matter. The Spaniards had suffered from the ravages of pirates who were believed to be befriended by the inhabitants of Charlestown.[2] In another way, too, the settlers had placed a weapon in the hands of their enemies. The Spaniards were but little to be dreaded, unless strengthened by an Indian alliance. The English colonists themselves increased this danger by too faithful an imitation of Spanish usages. In both the other colonies with which we have dealt, the troubles with the Indians were mostly due to those collisions which must inevitably occur between civilized and savage races. But from the first settlement of Carolina the colony was tainted with a vice which imperiled its relations with the Indians. Barbadoes, as we have seen, had a large share in the original settlement of Carolina. In that colony negro slavery was already firmly established as the one system of industry. At the time when Yeamans and his followers set sail for the shores of Carolina, Barbadoes had probably two negroes for every one white inhabitant. The soil and climate of the new territory did everything to confirm the practice of slavery, and South Carolina was from the outset what she ever after remained, the peculiar home of that evil usage. To the West India planter every man of dark color seemed a natural and proper object of traffic. The settler in Carolina soon learned the same view. In Virginia and Maryland there are but few traces of any attempt to enslave the Indians. In Carolina the negro must always have been the cheaper, more docile, and more efficient instrument, and in time the African race furnished the whole supply of servile labor. But in the early days of the colony the negro had no such monopoly of suffering. The Indian was kidnapped and sold, sometimes to work on what had once been his own soil, sometimes to end his days as an exile and bondsman in the West Indies. As late as 1708 the native population furnished a quarter of the whole body of slaves.[3]

Enslavement of the Indians by the planters.

1 I have relied mainly on Mr. Rivers for the account of this Spanish invasion. References to intrigues between the Spaniards and Indians are frequently to be found in contemporary documents.

2 The Proprietors' Instructions to Colleton. *Colonial Entry Book*, No. xxii. p. 103.

3 Report to the Proprietors in 1708, signed by the Governor, Sir Nathaniel Johnson, and four Councilors. This is given in full by Mr. Rivers, p. 231.

It would be unfair to attribute all the hostilities between the Indians and the colonists to this one source, but it is clear that it was an important factor. From their very earliest days the settlers were involved in troubles with their savage neighbors. The Kussoes, a tribe on the southern frontier, claimed to be the allies of the Spaniards, and irritated the settlers by insults and petty depredations. Yet it is hard to see what injuries had been done which could justify the English in declaring war. This, however, they did in September, 1671.[1] The Kussoes were at once defeated and the prisoners sentenced to be sold out of the colony, unless ransomed by their countrymen.

In the next year another tribe, the Westoes, appeared so threatening that a force was raised against them. Nothing, however, came of this.[2] We find the same tribe, a few years later, capturing Indians who were friendly to the English and selling them to the settlers. The Council did its best to interfere by sending round two commissioners to liberate such captives, but the mere fact itself shows how firmly the traffic in slaves had taken hold of the colonists.[3] The Proprietors strove resolutely to suppress a practice of which they saw at least the danger, if not the enormity. A colony of slaveholders, whose frontier was menaced by a civilized neighbor, skilled to avail himself of the prejudices and passions of the savage, could ill afford to provoke unnecessary hostility. The Indians, if friendly, might prove valuable assistants and guides, alike in the chase of wild beasts and of runaway negroes.[4] More than one entry in the official records of the colony show us the Proprietors protesting against unprovoked attacks on the liberty of the Indians.[5] It is even said that the best and most popular of the early Governors, West, owed his temporary exclusion from office to his connivance at this traffic.[6] In 1680 we find the Proprietors appointing a commission to prevent slavery, to investigate quarrels between the settlers and the Indians, and to reward the friendly tribes. Two years later this commission was abolished on the ground that it was used not for the protection but for the oppression of the natives.[7]

These and other phases in the life of the colony serve to illus-

[1] Rivers, p. 105. [2] *Ib.*, p. 125. [3] *Ib.*, p. 126.

[4] Moreton's instructions, May, 1682, *Entry Book*, No. xxii.

[5] The most forcible of all these is addressed to Colleton in 1690. It speaks of "the pernicious, inhuman, barbarous practice which we are resolved to break."

[6] Oldmixon, in Carroll, vol. ii. p. 407.

[7] Instructions to the Governor of Charlestown, May, 1680. *Entry Book*, No. xxii.

trate the nature and extent of the supervision bestowed by the Proprietors. Among them, Shaftesbury, as might have been expected, stands out conspicuous for his energy and versatility. It is almost startling to find the foremost statesman of the age interesting himself in the fate of two young scamps who had fled from their parents to the plantations,[1] giving minute instructions to his agent, Woodward, to guide him in his search for mines, and telling him to conceal any discoveries that he might make by calling gold antimony, and silver tin, in his dispatches.[2]

Activity of Shaftesbury.

In 1674, disappointed probably by the unprofitable results of the settlement at Charlestown, Shaftesbury established a small independent colony of his own, twenty miles farther south, a venture which only ended in disappointment, seemingly through the dishonesty of Percival, who was placed at the head of it.[3]

In many respects the temper and conduct of the Proprietors remind us of the leaders of the Virginia Company. But it is clear that their whole range of motives was lower, and that hopes of commercial profit had a far larger share in determining their conduct. To men who looked mainly to the commercial profit of their undertaking, the state of the colony after twelve years could not but be a disappointment. The settlers could not do more than produce enough for their own wants; there seemed no prospect of a lucrative export trade, and the only source of revenue was the quit-rents. Nor was the unprofitable state of the colony the only subject of complaint with the Proprietors. In addition to the kidnapping of Indians and connivance at piracy, the settlers gave active encouragement and assistance to smugglers.[4] The forfeiture of charters, which was such a conspicuous feature of the two last Stuart reigns, might well make the Proprietors look with dread on anything which gave the colony a bad name as a centre

Dissensions between the colonists and the Proprietors.

---

[1] Letter in the *Shaftesbury Papers*, June, 1672.

[2] *Shaftesbury Papers*, 1671. It is noteworthy that Woodward, writing to Shaftesbury in 1674, says that he has found in his journeyings westward a substance which "glittered like antimony."

[3] Rivers, p. 121. Percival's instructions are in the *Shaftesbury Papers*. His dishonesty is stated in a letter to Shaftesbury from one Wilson. *Shaftesbury Papers*, December, 1683.

[4] Report from Muschamp, the king's collector of customs, to the Board of Trade in 1687. In the next year a private letter from a sea-captain named Spragg accuses the Governor of Carolina of conniving with smugglers. This may refer either to North or South Carolina. Edmund Randolph, in a report to the Board of Trade in 1695, recommends that North Carolina be annexed to Virginia, and South Carolina united with the Bahamas as a single province under the crown. This, he says, is the only way to check piracy and smuggling.

of anarchy and disorder. For the same reason they viewed with disfavor the wish of the legislature to bar the recovery of debts contracted beyond the limits of the colony.

On the other hand, the colonists had their own grievances against the Proprietors. Though no attempt had been made to apply the Fundamental Constitutions, yet the dread of them hung over the colony and begot a general sense of uncertainty and distrust. The Proprietors insisted on receiving the quit-rents in money instead of in kind. Their conduct, too, in withholding the colonists from taking their revenge upon the Spaniards, long ranked as a grievance. There were also internal dissensions among the settlers which served to beget a general sense of disaffection and discontent. Great as were the advantages which the colony derived from the possession of a capital city, it brought drawbacks as well. There was as yet no local representation, but the whole body of freeholders met at Charlestown, and there elected the full complement of representatives. As the outlying counties grew in importance, the inhabitants resented the necessity of coming to Charlestown to vote for representatives.[1] Another grievance was the favor shown by the Proprietors to Cardross and his Scotch followers.[2] Still more unworthy was the jealousy felt towards the French Huguenots, who were among the most industrious and enterprising inhabitants of the colony. The English settlers caviled at their claim to equal representation, and even sought to deny them civil rights and freedom of worship.[3]

It is worthy of notice that at the very time when the relations between the Proprietors and the settlers were in this state, the latter included in their instructions to their Governor a specific instruction not to pass any Act for raising money except by consent of a majority of the representatives. Thus, as in Virginia and Maryland, the exclusive right of taxation was clearly conceded to the settlers, and that at a time when there was no special inclination to treat them with favor.[4]

Right of self-taxation.

In 1681, these smouldering elements of discontent were kindled into a flame by the appointment as Governor of Colleton, a landgrave, and brother to one of the Proprietors. By his hasty and arbitrary conduct he gave the malcontents

Rebellion against Colleton.

[1] *Colonial Entry Book*, No. xxii. p. 169.

[2] This is set forth in an undated memorial presented by the people of Charlestown to the Proprietors. It is in the *Shaftesbury Papers*.

[3] Rivers, p. 176. Mr. Rivers, though accurate and trustworthy, is so far favorable to the popular party that he may be taken as an unexceptionable witness against them.

[4] Colleton's Instructions. *Colonial Entry Book*, No. xxii.

the opportunity which they sought. His severity in punishing a clergyman by a fine of a hundred pounds and imprisonment for a seditious sermon, brought upon him the rebuke of the Proprietors.[1] But his most fatal error was falling into the snare deliberately set for him by the disaffected faction. If we may believe the Proprietors, the party who were hostile to them persuaded Colleton to impose an excise, promising that the proceeds should be applied to his own maintenance. In his attempts to carry this he deprived some deputies of their seats and made enemies of others.[2] Urged by a request, proceeding in all probability from the same faction, he proclaimed martial law on the feeble pretext of a threatened Spanish invasion.[3]

At this juncture Sothel appeared in the colony. Unabashed by his failure and disgrace in North Carolina, he alleged that his position as a Proprietor gave him a claim to the governorship prior to that of Colleton. The disaffected party at once saw the importance of enlisting him. A number of them drew up and presented to him a long, ill-composed, and almost unintelligible address bringing a variety of charges against the Governor.[4] Sothel at once took up the side of the disaffected, deposed several of the Proprietors' deputies, and summoned a Parliament in obedience to a petition signed by about five hundred of the inhabitants. This new legislature banished Colleton and deprived his chief supporters of their offices. The Proprietors, as soon as they heard of these proceedings, wrote a letter of remonstrance to Sothel, telling him that his position as one of them gave him no claim to the governorship, and that any exercise of power by himself or those whom he had appointed to inferior offices would be a rebellion. Sothel yielded and retired into private life, leaving the Proprietors to nominate a Governor. The result was not unlike that of Culpepper's rebellion in North Carolina. The rebels had given way and the Proprietors had formally asserted their authority. Yet in each case an unpopular official had been removed, no punishment had overtaken the offenders, and the precedent established had been unfavorable to the dignity and authority of the Proprietors.

In the place of Colleton the Proprietors appointed to the governorship Philip Ludwell, who had so long played a conspicuous

1 Their remonstrance is published in full by Mr. Rivers, p. 410.
2 This is stated in the Proprietors' instructions to Ludwell. *Entry Book*, No. xxii. p. 223.
3 Memorial to Sothel, Rivers, p. 423.
4 This memorial and the Proprietors' letter to Sothel are both given in full by Mr. Rivers.

part in Virginian politics. His wealth and consequence had recently been increased by a marriage with the widow of Sir William Berkeley.[1] Sobriety, moderation, and compromise had been his characteristics in Virginia, and he carried the same spirit into his new office. His anxiety to propitiate the settlers led him to relax the conditions of land tenure. He also gave his consent to various laws which were peculiarly offensive to the Proprietors. One of these introduced a peculiar system of appointing juries by dividing the whole country into groups of twelve persons and choosing two out of each group. Under this system it was possible for a sheriff to make sure beforehand of the views of at least two persons on each jury. The other Act so relaxed the qualification for voters as to admit persons who were in no strict sense inhabitants of the colony. Ludwell also seems to have shown some sympathy with that party who, by a harsh application of the marriage laws, and of the municipal regulations for the conduct of public worship, sought to harass the French Huguenots. These matters were made the subject of a reproof from the Proprietors, and in all probability led to Ludwell's removal in 1694.[2]

Ludwell appointed Governor.

His successor, Smyth, fared even worse. Finding it impossible to satisfy both the Proprietors and the settlers, he resigned his office and left the colony. His parting communication to the Proprietors represented the necessity of sending out one of their own body as Governor. The suggestion was accepted, and John Archdale, a Quaker, who had recently acquired a proprietorship by purchase, was appointed to the vacant post.[3]

Archdale as Governor.

His instructions allowed him to sweep away one of the chief causes of disaffection by settling all disputes concerning land at his own discretion. He was also empowered to place the settlers for the first time in the position of owners instead of tenants, by selling land at fixed prices, varying with its proximity to Charlestown. Furthermore, he was to inquire into the views of the people upon the Fundamental Constitutions, and to recommend such modifications as might win public favor.[4]

---

[1] I cannot ascertain the exact date of this marriage. It is more than once referred to in the *Colonial Papers*.

[2] Rivers, p. 163. The remonstrance from the Proprietors to Ludwell is published in full, p. 436.

[3] Archdale, in Carroll, vol. ii. p. 101.

[4] His instructions are in the *Carolina Papers*, January, 1694.

His tenure of office, extending over two years, has left behind a vague tradition of beneficence and ability hardly justified by the substantial result. His kindly and conciliatory temper, his anxiety to deal fairly by all men, Englishmen and Spaniards, whites and Indians alike, qualities brought into full relief by the recent attitude of the other Proprietors, allayed discontent, but did little to bridge over the ever-growing gulf which separated the interests of the Proprietors from those of the settlers.[1]

The next Governor, Blake, walked in the footsteps of his predecessor. The pacific spirit introduced by Archdale is illustrated by two of the principal measures passed during Blake's administration. Freedom of worship was granted to all Christians, Papists only excepted,[2] and the state of the Huguenots was bettered by an enactment which made the oath of allegiance to the crown the only test of citizenship.[3]

The last modification of the Fundamental Constitutions was another measure of conciliation. The Assembly endeavored to obtain even further concessions. They petitioned for a remission of duties, for the right of coining, and for the limitation of all grants of land to a thousand acres.[4] There is nothing to show that the Proprietors acceded, or even listened to their petition.

The political history of South Carolina now enters on a new phase. Hitherto there had been a spirit of opposition, at times dormant, at times breaking into open hostility, between the Proprietors and the settlers. Now a third force came into play. A party began to take an active share in the politics of the colony, consisting of a small knot of greedy, self-seeking adventurers, not bound to the Proprietors by any real tie of loyalty or even of common interest, but using the proprietary authority as a pretext and instrument for their own ends.[5] The chief object which, ostensibly at least, bound this party together, and provided a common ground of action, was the predominance of the Anglican Church. That this should have been so is a significant illustration of the change which twenty years had brought about. The High Churchman of 1690 may have

The High Church party.

[1] Rivers, p. 184. Archdale, pp. 94, 106.

[2] Cooper, vol. ii. p. 131.

[3] Rivers, p. 186.

[4] Rivers, p. 441. Mr. Rivers interprets this petition as an application to be emancipated from the operation of Acts of Parliament, a conclusion in which I cannot agree.

[5] The growth of this party is clearly traced by Mr. Rivers. Our knowledge of its proceedings is mainly derived from Archdale, from a pamphlet published in 1786, entitled *The Case of the Protestant Dissenters in Carolina*, attributed to Defoe, and from Oldmixon, who now becomes an authority of some value.

been servile and narrow-minded, but he was at least true to his professions, and sin in high places met with no quarter from men like Ken and Sancroft. The High Churchman of 1710 was not alienated by the ribaldry and cynicism of Swift, by the unbelief and profligacy of Bolingbroke.

In Carolina, as in England, the struggle of parties turned on the question of conformity, and in neither case had orthodoxy any cause to be proud of her advocates. The leader of this party in the colony was Nicholas Trott, who was sent out by the Proprietors in 1697. He was appointed to the office of Chief Justice, but to this he added the general duties of an agent for the Proprietors, with instructions to make certain recommendations to the Assembly and to report on the trade and finances of the colony.[1] His industry and energy are shown by the fact that he found time amid his official duties to make and publish collections, not only of the laws of his own colony, but also of the ecclesiastical laws existing in the various other settlements. Allied with him was James Moore, an ambitious, unscrupulous man, not lacking in the qualities of a partisan leader, either in the field or in political life.

We first trace the action of this party after the death of Blake, in 1701. The Council thereupon conferred the governorship upon Moreton, the senior landgrave, subject to the approval of the Proprietors. Moore objected to this election on the ground that Moreton held a commission from King William as a judge of the Admiralty. The Council, taking, as it would seem, the view that this commission gave Moreton an interest opposed to that of the Proprietors, annulled the election and substituted Moore.[2] The Governor thus appointed packed the Council, it is said, with his own creatures, and by bribing the returning officers to poll a number of unqualified voters, secured the election of an Assembly composed largely of his own partisans.[3]

Meanwhile a crisis was at hand which gave an agitator like Moore the opportunity he needed. War between England and Spain, though not yet declared, was by this time certain. We are now fast approaching the age when the

Invasion of Florida.[4]

[1] His instructions are in the *Carolina Papers* for 1697.

[2] Oldmixon, in Carroll, p. 418.

[3] *Ib.*, p. 420.

[4] The chief authority for this invasion, commonly called in the colony Queen Anne's War, is an official report, published by a committee in 1740, on the occasion of General Oglethorpe's attack on St. Augustine, and republished in Carroll, vol. ii. p. 348. The account is supplemented and confirmed by Oldmixon and Archdale.

battles of the great European powers were fought out on the banks of the Ohio and Lake Erie, and when the war-cry was raised, and the tomahawk wielded amid peaceful American settlements at the bidding of a diplomatist in London or Madrid. The old foes, Charlestown and St. Augustine, anticipated the signal from Europe. Before war had been formally declared nine hundred Apalachian Indians under a Spanish leader were on their way to invade the English settlement. The wisdom of meeting invasion by invasion may be doubted, but it is hardly fair to set down the warlike policy of South Carolina as solely dictated by the personal ambition and covetousness of Moore. The Spanish attack was thwarted by rousing the Creek Indians, through whose territory the invading force had to march. The Creeks were inferior in number, but their strategy made amends for this; the Apalachian force met with a crushing defeat, and the colonists were left to deal only with their civilized enemies. In September the invading force marched from Charlestown. It consisted of a hundred settlers and eight hundred Indians, with Moore himself at their head. The result was a failure, ludicrous in its completeness. The town of St. Augustine being unfortified, at once fell into the hands of the English, and the inhabitants with their most valuable goods took refuge in an adjacent fort, to which Moore laid siege. Unluckily it does not seem to have occurred to the English leaders that artillery was needful for an attacking force. The Governor and his troops had to sit idle before St. Augustine till cannon were brought from Jamaica. Before they could arrive, two Spanish vessels, one of twenty-two, the other of sixteen guns, appeared off St. Augustine. Moore thereupon raised the siege, burned the town and his own ships, and retreated to Charlestown. The only results of the expedition were the loss of two men, the enrichment of Moore by the church plate of St. Augustine and some slaves, and a burden of six thousand pounds debt imposed on the colony. The ill feeling thus engendered was imbittered by a conflict between the two houses, in which the Governor and Council exercised their right of veto against a bill passed by the representatives. This dispute culminated in a riot in which the partisans of the Governor disgraced themselves by various outrages and by brutal assaults on their opponents.[1]

[1] This riot is described in a memorial addressed by several members of the Assembly to the Palatine. Published by Mr. Rivers, p. 453.

This, however, was the concluding scene of Moore's usurped and misused authority. In 1702 the Proprietors nominated Sir Nathaniel Johnson as Governor. The chief effect on the politics of the colony was that the party of Trott and Moore acquired a leader who enjoyed the confidence and support of the Proprietors, and who was personally a man of ability, courage, good character and popular manners. Moore was appointed Attorney-General, and this, coupled with the position of Trott as Chief Justice, made it certain that the policy of the late official party would still be in force. This was confirmed by the conduct of the next election, when unqualified voters, slaves, both black and white, and sailors whose vessels chanced to be in Charlestown harbor, voted for the followers of the government, which was furthermore strengthened by the support of the Huguenots, whom the bigotry of the popular party had alienated.[1]

Sir Nathaniel Johnson Governor.

Johnson carried on Moore's policy against the Spaniards, but in a more efficient manner. Instead of organizing a regular expedition against St. Augustine, he sent out a force under the late Governor, consisting of a thousand Indians and fifty English, to make a raid on the Spanish territory. One small settlement after another fell before their attack, and Moore returned to Charlestown like an Armstrong or Johnstone from a border foray, laden with plunder and driving before him, not a herd of cattle, but a gang of slaves.

Second invasion of Florida.[2]

This attack had the desired effect of crippling the enemy and withholding him from hostilities. For three years no attempt was made at retaliation. At length, in August, 1706, a privateer came full sail into Charlestown harbor to give warning that an allied French and Spanish fleet was threatening the colony. Three times has Charlestown been attacked from the sea. Twice in the last century and once in the present have the ever-growing resources of naval warfare been brought to bear upon her walls. Dahlgren's monitors were as powerless against her mighty natural defenses as the French privateers or as Parker's men-of-war, and the stronghold of slavery only sank

Siege of Charlestown.[3]

[1] Oldmixon, p. 429.

[2] Moore's own report of this expedition, in a report addressed to the Governor, is published in Carroll, vol. ii. p. 574.

[3] There are two reports of this attack, neither of them signed, in the *Colonial Papers*. One is dated August, 1706, the other is undated. They confirm Mr. Rivers's account, based on a contemporary report published in the Boston News-letter, and republished in 1766. The report of the committee above quoted also has some value as confirmatory evidence.

in the common downfall of that cause of which she was herself the parent and leader. But of the three defenses of Charlestown, all marked by conspicuous resolution on the part of the garrison, the first is the only one with which Englishmen can well feel sympathy. In each of the latter sieges the assailants and the defenders were of the same race and speech. The settlers who held Charlestown against the allied forces of France and Spain were partners in the glory of Stanhope and Marlborough, heirs to the glory of Drake and Ralegh.

Nature as well as man fought against the city. Yellow fever had for the first time broken out in the settlement, and nearly all the inhabitants had betaken themselves to the comparative security of the country. Yet, weakened as his forces were, the stout heart of the Governor never wavered. A summons to surrender was met with a peremptory refusal. Isolated attacks were then made on the various outlying islands and headlands which guard the harbor, but the assailants were beaten off with scarcely any loss among the besiegers. On the next day a small fleet under Colonel Rhett was sent out to attack the invaders. The enemy's fleet never even exchanged fire, but set sail, escaping pursuit through the roughness of the weather. One isolated vessel which had been detached from the rest of the fleet with a force of two hundred men on board, anchored in Sewee Bay, twenty miles northeast of Charlestown, where it was at once surrounded and captured, raising the whole number of prisoners to two hundred and thirty. This success, equally honorable to the Governor and to the colonists, did something to heal the breach between them. The Governor formally thanked the citizens for having forgotten their political dissensions in face of the common enemy, while they on their part acknowledged his services by a gift of land.

The friendly relations thus established were soon interrupted. In the autumn of 1701, the post of Palatine had devolved on Lord Granville. He was an energetic member of the new High Church party which was now struggling to crush the civil liberties of the Dissenters by the Bill for preventing Occasional Conformity.[1] Hitherto the Dissenters in Carolina had enjoyed ample liberty, the result rather of the absence of religious ordinances than of any rational toleration. It is clear that there, as in the other southern colonies, the social life and temper of the settlers, and the peculiarities of the country, in-

Attempts to enforce conformity.

[1] Oldmixon, p. 418.

duced an almost universal neglect of religion. In Charlestown things were better than in the country. There the liberality of Blake, himself a Nonconformist, had induced the settlers to vote an endowment of a hundred and fifty pounds a year, with a house and glebe, to a minister of the Church of England.[1] Three years later the zeal of Bray established a public library at Charlestown.[2]

But these measures for advancing the Church had been attended with no injustice to Dissenters. As we have seen, in 1696, an Act of the Assembly secured freedom of conscience to all Christians, Papists only excepted. Early in the next century the Dissenters claimed to be no less than two-thirds of the population.[3] This we may doubt, as it is difficult to understand how a minority could force a measure on a reluctant majority, even if we suppose, which is in itself unlikely, that the minority was completely united within itself. But we may at least be sure that the Dissenters formed an influential body in the colony, and that any attempt to override their liberties was at once unjust and unwise.

Nevertheless the Assembly, in May, 1704, passed a Bill enforcing the oath of Conformity and the reception of the Sacrament as necessary conditions of membership. The injustice of this Bill was enhanced by a clause providing that if the candidate elected should refuse these tests, a fresh writ should not issue, but the next candidate on the sheriff's list should be elected.[4]

Two years later an Act was passed establishing a lay commission for the control of ecclesiastical affairs, and thereby superseding the jurisdiction which the Bishop of London hitherto possessed and could at any time exercise through a commissary.[5] It is said that this measure was intended as an instrument against a specially obnoxious minister who was in the habit of denouncing the Governor and his party from the pulpit, and who was at once deprived by the newly appointed tribunal.[6] It may also have been due to the fact that in that age more liberality of thought was to be found among the higher clergy than among the orthodox laity.

The defeated party did not give way without a further strug-

[1] Archdale, p. 113. Trott's *Laws of South Carolina*, vol. i. p. 66.
[2] Trott's *Ecclesiastical Laws*, p. 1.
[3] *Case of Dissenters*, p. 16.
[4] Cooper, vol. ii. p. 232.
[5] Cooper, vol. ii. p. 282. Rivers, p. 220.
[6] *Case of Dissenters*, p. 24.

gle. At the autumn session of 1706 the question was reopened. Members who had been absent from the former division were now in their places; the balance of parties was changed, and the Assembly voted the repeal of the obnoxious Bill. The Governor and Council, however, asserted their powers of veto, and the Bill still remained law. The Assembly was then dissolved.[1] As the next one was elected under the new Act, there could be little doubt as to its composition. By way of insuring, as far as might be, the perpetuity of the system just established, this Assembly passed a law securing itself against dissolution for at least two years, and for eighteen months after the death or recall of the present Governor.[2] The preamble of this Bill left no doubt as to the motives of its advocates, since it set forth as its objects the interest and preservation of the Church of England.

The Conformity Bill vetoed by the crown.

But meanwhile the efforts of the dominant party met with more effectual opposition from another quarter. The Nonconformists and those who sympathized with them had at once sent an agent to England to lay their case before the Proprietors. The person first selected, Joseph Ash, died soon after his arrival.[3] A second agent, Boon, was then sent. His attempts to win over the Proprietors were utterly useless against the stubborn and narrow-minded Palatine.[4] Elsewhere he was more successful. The clause appointing lay commissioners furnished a ground on which orthodox Churchmen might legitimately oppose the Bill. The Society for the Propagation of the Gospel, to which the American colonies in their early days owed so much, took up the matter and refused to send out any missionaries or to give any help to the church of Carolina till the measure was withdrawn.[5] Aid was at hand from a yet more potent quarter. The Lords, then, as more than once in our history, the defenders of justice and moderation against a blind and fanatical majority, laid before the queen an address, setting forth the evil consequences which the Act would bring upon the colony, and the inconsistency of such a measure with the first principles of the Carolina Charter.[6] The queen then referred the matter to the Board of Trade. Their report recommended not merely the annulment of the Act but the forfeiture

[1] Trott's *Ecclesiastical Laws*, p. 41.
[2] Statutes quoted in Rivers, p. 227. [3] Oldmixon, p. 431. [4] *Ib.*, p. 436.
[5] Oldmixon, p. 437.
[6] This address is given in full by Oldmixon, p. 436. He also reports the subsequent action of the Board of Trade and the crown.

of the Charter. The former recommendation was accepted, and on the 10th of June, 1706, the royal veto negatived the Act. This action of the crown was important from more than one point of view. It prevented a measure which would have been well-nigh fatal to all true religious life within the colony. In its immediate result it allayed a struggle which might have precipitated and imbittered the impending overthrow of the Proprietary government.

But though the repeal may have saved the Proprietors from themselves, in another way it struck a heavy blow at their authority. If the Proprietors were to be subject to the control of the crown, not merely in questions of imperial interest, but in a matter of internal government, they at once sank from the position of sovereigns to that of mere landholders.

The victorious party used its triumph with moderation. Indeed, we may be almost sure from what followed that parties were fairly balanced, and that opposition to the Conformity Acts did not imply antagonism to the Church. An Act was passed for laying out parishes and for raising money towards the building of churches and the permanent endowment of the clergy.[1] The Society for the Propagation of the Gospel showed its good-will to the colony not merely by supporting the Church, but by its care for education. A grammar school was founded and endowed, and it is a characteristic illustration of the state of the colony that in the provision made for the schoolmaster, slaves are mentioned as a part of his chattels.[2]

Church Establishment Act.

The temporary restoration of harmony was confirmed by the death of Granville. His place was filled by Lord Craven, one of whose first acts was to appoint his brother, Charles Craven, to the governorship. In him for the first time South Carolina possessed a Governor endowed with wisdom and public spirit, representing the views and interests of the Proprietors, yet trusted and beloved by the people, and ever watching over their interests with sedulous care.

Charles Craven Governor.

We have about this time a number of incidental references which throw light on the general condition of the colony. Its prosperity was shown by the vote of fifteen hundred pounds towards building a state house, and of a thousand pounds towards a residence for the Governor.[3] The fact,

General state of the colony.

[1] Trott's *Ecclesiastical Laws*, p. 6 [2] *Ib.*, p. 11.
[3] Trott's *Laws of South Carolina*, pp. 209–11. Rivers, p. 252.

too, that the opposition to the Church party never took the form of refusing or curtailing endowments is another proof of the material well-being of the colony. The circumstance to which this was mainly due was the establishment of a new staple of industry. The exact time at which rice was first introduced into South Carolina is uncertain. But we know that by 1691 it was so important a product that the Governor gave a reward to the inventor of a new machine for the preparation of it.[1] The effect was felt in two ways. It insured the commercial prosperity of the colony by providing a staple in which South Carolina had no rivalry to fear from any of the neighboring colonies. Moreover, it confirmed negro slavery by introducing a form of tillage for which the African was far better adapted than the European, and also by providing that cheap and easily-raised sustenance which is a necessary condition of slave labor.

Measured by population, South Carolina had made slow progress compared with either Virginia or Maryland. By 1708 the total number of settlers did not amount to ten thousand, of whom not more than thirteen hundred and sixty were freemen.[2] The whole yearly trade of the settlement did not employ more than twenty-two vessels.[3] Of the social life of the colonists we know but little. It is clear that estates were smaller than in Virginia, and that slave gangs seldom exceeded thirty in number,[4] and consequently there was less of that isolated and patriarchal life which distinguished the great Virginian planters.

Craven's administration was unhappily distinguished by the first serious conflict between the settlers and the Indians. We have already seen how South Carolina stretched out a helping hand to the sister colony in its war with the Tuscaroras. Scarcely was that ended when an Indian invasion fell on South Carolina itself. The principal tribe on the southern frontier was the Yamassees. In the early days of the English colony that nation had been in alliance with the Spaniards. Their friendship now seemed to be at an end, and the English

The Yamassee War.[5]

---

1 Rivers, p. 172.

2 Report of the Governor and Council, quoted in Rivers, p. 232.

3 Carroll, vol. ii. p. 254.

4 *Ib.*, p. 202.

5 I have taken this account of the Yamassee War mainly from Mr. Rivers. His account is largely based on MS. records. There is a short contemporary account of the outbreak of the war in Carroll, vol. ii. p. 570, taken from the Boston News-letter. It is also touched upon in a very important pamphlet, *The Proceedings of the People of South Carolina*, London, 1726, republished in Carroll, vol. ii. p. 141, and in Force, vol. ii. Hewit, whose *History of South Carolina* was published in 1779, may probably be trusted on matters of notoriety.

rested secure in the belief that the hatred of the savages was directed against the Spaniards. The feud, however, was made up; the Yamassees, whether of their own free will or at the instigation of their civilized allies, resolved to attack the English settlement, and as a preliminary step, sent their wives and children for safe keeping to St. Augustine.

The strength of an Indian force lay in the first onslaught; when once that failed, the military resources of the savage had neither durability nor cohesion enough to stand the strain of a regular campaign. Fortunately, too, the relations between the Indians and the settlers seldom suffered a general attack to be made with strict secresy. In almost every instance some of the outlying settlers were on such terms with their savage neighbors as to secure a friendly warning. In this case the intended attack was disclosed to John Fraser, a Scotchman, who had traded among the Yamassees. A friendly chief not only revealed the plot, but even offered to expedite Fraser's escape by the loan of his own canoe. Fraser himself fled to Charlestown, but basely or stupidly neglected to warn his fellow-settlers. On the 15th of April, 1716, the blow fell. The Indians by common agreement invaded the colony in three separate places, and about two hundred English perished.

Fortunately the settlers were not spread abroad over the country to the same extent as in Virginia, and thus there was greater possibility of united action. Craven at once led a force of two hundred and forty men against the principal body of the invaders, and sent out other expeditions to meet the enemy at various points. The first attack was repulsed. Yet the danger was not at an end. Tribe after tribe rose and the forest poured forth fresh forces, till nearly ten thousand armed warriors threatened the borders of the English settlement. The colonists soon learned how much they owed to those who had forced a capital city into existence against the natural tendencies of the country. Craven swept together all the defenseless inhabitants and all the stores and goods from the outlying settlements into Charlestown, and sent to the northern colonies for help. Virginia contributed a hundred auxiliaries, and this force was strengthened by a hundred Indian allies and four hundred negroes. No attempt was made to crush the enemy at a single blow, but the Governor followed out that policy which the more experienced Virginians had recommended to their own Government some thirty years earlier,

and kept the Indians in check by a line of outposts occupied with parties of rangers. Gradually the danger passed away. Early in 1716 Craven was able to leave his colony in peace, with nothing to fear from the savages beyond the ever-present danger of desultory raids encouraged by the Spaniards.

The evils of the Indian war did not end when the actual danger was averted. It left the colony hampered with a heavy debt. This was soon afterwards increased by an expedition against pirates. A dangerous gang of these was extirpated, mainly by the courage of the new Governor, Johnson, and of Rhett, who had distinguished himself in the defense of Charlestown,[1] but the colony was entangled in additional expense at a time when its resources could ill bear the strain.

Poverty of the colony.

To meet these charges eighty thousand pounds in paper money was put in circulation. The inevitable result of a sudden and excessive issue followed. Prices at one rose without any change in the relative value of commodities; debtors gained, while creditors and the receivers of fixed income suffered. As is always the case, the general loss caused by this dislocation of commerce was far greater than the gain to individuals. Those merchants in England to whom the planters owed money, ordered their agents to remit any goods that they could get in lieu of their claim. Thus the rise of prices and the evils which resulted from it were yet further enhanced. The Proprietors attempted to escape their share in the general evil, by raising their rents fourfold to meet the depreciated value of money. At the same time the colonial exchequer was deprived of two resources which might have helped it in its present poverty. The Assembly laid an import duty on negroes and on English goods. Both of these duties were vetoed by the Proprietors in obedience to an Order in Council. It would have been wholly inconsistent with the policy of the crown to allow any colonial legislature to take independent action on a question which directly affected the whole economical system of the empire.

The colony was thus placed in this unhappy position. Its material interests were sacrificed to the good of the imperial exchequer, while, on the other hand, it enjoyed none of the advantages which a colony might expect from its connection with the crown. The task of providing for its defense was left to the Proprietors,

[1] Rivers, p. 285. *Proceedings*, p. 148. My account of what follows is wholly taken from this pamphlet.

who lacked certainly spirit and probably means for the purpose, and who really had less interest than the crown in the economical prosperity of the colony.

Other occurrences at this time served to imbitter the relations between the colonists and the Proprietors. Hitherto the mode of election had been that all the freemen of the colony met at Charlestown and elected twenty representatives. The submission of the outlying settlements to this arrangement shows how completely Charlestown dominated the colony, while the system must in turn have confirmed the ascendency of the capital. At length, in 1717, the county electors demanded a change, not so much as it would seem from any jealousy of Charlestown, as from a belief that the existing method of election threw an undue share of influence into the hands of the official party. That party had been recently strengthened by the appointment to the governorship of Sir Nathaniel Johnson's son, who inherited the aristocratic principles together with the soldier-like sincerity and loyalty of his father. A law was soon passed abolishing the old method of election and substituting local representation. Without waiting for the consent of the Proprietors, this law was put in force and an Assembly elected on the new principle. The Proprietors, as soon as the law reached them, vetoed it, and ordered the Governor to dissolve the new Assembly. The Assembly then took up a new line and disputed the constitutional right of the Proprietors to exercise a veto, on the ground that they had transferred that right to their deputies, who, as members of the Council, had consented to the measure, and that the right could not now be resumed.

Political disputes between the settlers and the Proprietors.

Another dispute arose in which the right seems to have been on the side of the Proprietors. The Assembly, anxious to encourage free emigrants, had induced a number of poor Irish to come over by promising them two hundred acres of land apiece. The conditions were accepted and a number of emigrants landed. The Proprietors refused to be bound by the promise of the Assembly, and the colony found itself suddenly invaded by a horde of paupers for whom there was no provision. It is difficult to see on what ground the Assembly claimed a right to grant away land, or how the Proprietors could have admitted such a claim without forfeiting the last remnant of their territorial title.

The same spirit of opposition to the official party showed it

self in an attack upon Trott. A formal complaint against him was drawn up by a number of lawyers practicing in the colony, and laid before the Council. This document contained thirty-one articles and charged the Chief Justice with various corrupt practices. He was accused of multiplying fees, of transferring cases from one court to another, and of acting as counsel for the purpose of drafting deeds, which afterwards came before him as judge. In addition to these formal charges, the petitioners drew attention to the defects of the judicial system under which Trott had acquired to himself that appellate jurisdiction which, according to its original purpose, should have been a check upon him.

Attack upon Trott.

The Assembly declined to entertain this petition as lying outside their functions. Trott, they said, held his position from the Proprietors during good behavior, and the Proprietors therefore were the proper persons to whom complaints should be directed.

The Assembly now decided that all the questions at issue should be definitely laid before the Proprietors, and that for that purpose an authorized agent should be sent to England. There had lately been a change in the constitution of the Proprietary body. The office of Palatine had devolved by inheritance on the nephew of Lord Granville, then at the outset of a brilliant yet unfruitful career, the all-accomplished, wayward Carteret. We may well believe that if the colony had been what it was thirty years earlier, the political career which it seemed to hold out might have fascinated him, as it had fascinated the kindred temper of Shaftesbury. But all romance and all the attractions of pomp and power had by this time passed away from the position of the Proprietors. Carteret, too, had just accepted the post of ambassador at the Swedish Court, and his connection with the colony remained merely titular.

An agent sent to England.

The remonstrances of the colonists produced no effect on the Proprietors. The only course left to the aggrieved settlers was to transfer their allegiance to the crown, which was able and willing to give them protection. The leaders of the popular party were astute enough to see that a semblance of loyalty would be given to their conduct if they could induce the Governor to take their part. New machinery was soon brought to bear on the question. A Popular Association was formed, chiefly by the agency of Alexander Skene, a planter from Barbadoes. So stealthily was this organized that the Governor knew

A Popular Association formed.

nothing of its existence, till he received an address signed by three of its leaders, desiring him to disclaim formally the authority of the Proprietors and hold office under the crown. Johnson met this with a peremptory refusal, and, in consideration of the disaffected state of the colony and the necessity for some measures of defense against the Indians and the Spaniards, summoned an Assembly.

In 1719 the Assembly met. One of the complaints against the Proprietors was that they had exceeded their power in their manner of nominating a Council. That body, it was said, ought to consist of the deputies of the Proprietors, one for each. The Proprietors, however, had gone beyond this and had nominated a greater number. This, as the leaders of the Association contended, vitiated the position of the Council and deprived it of any legal authority. Upon this view the very writs under which the Assembly itself was elected were null and void. It might reasonably have been held that while the Proprietors had exceeded their lawful powers in their manner of nominating the Council, they had not thereby annulled the acts of that body or destroyed its constitutional powers. Probably, however, the Assembly preferred to assume the attitude which their contention necessarily forced upon them, that, namely, of a convention elected by the people with no fixed constitutional authority. Taking that ground, they made another attempt to induce the Governor to renounce the Proprietors. As before he refused. The speech in which he did so though long, did nothing towards grappling with the difficulties of the case. He made no attempt to defend the Proprietors from the various charges brought against them, but contented himself with reiterating the simple constitutional doctrine that the Proprietors were the legally constituted sovereigns, and that their authority could only be overthrown by due course of law. In truth, the colony had reached one of those emergencies when all appeals to constitutional form are valueless, since one party contends that those forms no longer adequately recognize its rights, and when the body politic must be wholly or in part reconstituted out of its original elements. Yet impracticable as Johnson was, we cannot but respect his fidelity to a hopeless cause, sustained by no hope of personal advantage.

The Assembly declares itself a Convention and renounces the Proprietors.

Johnson's loyalty was not imitated by his colleagues. Trott and Rhett held aloof, and it was clear from what followed that

the Proprietors had no supporters of any weight except the Governor. Whatever remnants of loyalty to them might yet have existed were dispelled by a rumor, possibly circulated by their enemies, that they were treating for the sale of their proprietary rights to three Quakers.

Overthrow of the Proprietary government.

On the 21st of December, two days after the Governor's final refusal, the last scene was enacted. The Governor had summoned the militia to assemble for a review, but, distrusting the popular temper, had countermanded them. On the appointed day, however, they appeared under arms in the market-place of Charlestown. Johnson asked their commander, Colonel Paris, by what authority he acted? He replied, by that of the Convention. The Governor expostulated, and then rushed about among the crowd, remonstrating with each man singly, and almost using personal violence. Had not there been perfect unanimity and singular sobriety and self-restraint on the popular side, bloodshed must have followed. As it was, Moore was peacefully proclaimed Governor under the crown, and the authority of the Proprietors was, as far as lay in the power of the people, formally annulled. A Council of Twelve was chosen by the Convention, and various public officers were appointed.

There were now two governments left facing one another, one existing *de jure*, the other *de facto*. Fortunately, however, for the peace of the colony, none of the Proprietary officials save Johnson showed any wish to resist the popular will, nor did the Proprietors themselves take any step towards re-establishing their authority. It could not be expected that the crown should refuse the allegiance which the colonists forced upon it, or should do more for the Proprietors than the Proprietors were doing for themselves. The English government accepted the situation, and the ubiquitous and ever-active Nicholson was dispatched to South Carolina to administer the government in the name of the king, and to pacify the colony in its distracted condition. Thus South like North Carolina passed peacefully and of its own free choice under the sovereignty of the crown. Ten years later an Act of Parliament was passed, apparently with the good-will of the Proprietors, annulling their political rights, while, at the same time, their territorial claims over both the Northern and Southern colonies were transferred to the crown for the sum of seventeen thousand five hundred pounds.[1]

Peaceful settlement.

[1] 2 George II. 34.

The overthrow of the Proprietary system in South Carolina is a distinct step in the process whereby the various American colonies were trained in habits of self-government and fitted for the great struggle of fifty years later. The Revolution of 1719 was important in itself, but it was far more important for the temper which it developed and confirmed. How to effect constitutional changes with the least possible disturbance, how to throw aside so much of institutions as is corrupt and to retain all that is sound, this has ever been the great political lesson which English history has taught to the world. Her own history furnishes a continuous illustration of the process, and it is manifested with scarcely less force in the life of those communities to which she has given birth. Never was this tendency more conspicuously shown than in the separation of the American colonies. The overthrow of the Proprietary government in South Carolina was a small matter compared with the later revolution, yet its principle was the same. In each case the requirements of the community had gradually outgrown its institutions. In each case there was the same anxiety to avoid an unnecessary breach, the same spirit of compromise, and when the rupture came the same desire to preserve as much as possible of the old forms. In each case, too, the defects of the past system contributed in a measure to the stability of that which succeeded it. Just as the neglect and indifference of the crown had trained the colonists in habits of self-government, so the Proprietary system had virtually allowed the community to fashion a constitution according to its own will, and had given to the body politic that strength and cohesion which bore the strain of separation, and at a later day enabled it to play its part in the great struggle for national independence.

General character of the Revolution.

CHAPTER XIII.

THE SOCIAL AND ECONOMICAL LIFE OF THE SOUTHERN COLONIES.

Uniform character of the Southern Colonies.

In dealing with the social and economical condition of those colonies whose history we have traced, it will be best to treat them collectively, as in some measure forming members of one body with common industry and manner of life. This similarity was due to various causes. It was in a large measure dependent on peculiarities of soil, climate, and geographical formation. The combination of fertility and heat freed the inhabitants from the necessity of severe labor, whether for food, clothing, or building. The widely distributed productiveness of the soil and the abundance of navigable rivers prevented population from being gathered together in seats of industry and commerce.

These natural tendencies towards uniformity were confirmed by other conditions. Each of the colonies was formed out of like elements and founded on like principles. Each was established primarily for purposes of profit by trade and agriculture. None of them was designed to embody any special theories, either political or religious. All, accordingly, were free to take that bent towards which their natural conditions of soil and climate and the previous training of the colonists inclined them. Carolina was no exception. It is true that the founders had mapped out a definite political scheme for the colony. But as far as the actual life of Carolina went, the scheme of Locke was as though it had never existed. Nor had the Proprietors of Carolina any idea of putting into practice certain religious or political theories, such as those which were embodied in Massachusetts or Pennsylvania. The colony, as a source of profit, came first. The Proprietors deemed it necessary that there should be a constitution, and Locke's work was the result.

The southern colonies were also alike in the material out of which they were formed. Each drew its governing class from the landed gentry, with but a slight infusion of yeomanry. Below the great landholders came a population largely tainted with pauperism and crime. Thus there was a wide gap between the upper and lower orders, a gap which was enlarged by the natural condition of the country and the social and industrial system to which these conditions gave birth.

This, indeed, does not apply with equal force to each of the southern colonies. In Maryland many of the first settlers were free laborers. In Virginia some were. Carolina, on the other hand, was settled at a time when slave labor had been definitely organized into a system in which the free peasant or yeoman could find no place. We have seen, too, how the first settlers in Carolina were influenced by those ideas and practices which many of their number had learned in Barbadoes. Thus socially as in a geographical position, Maryland stood at one end of the chain and Carolina at the other, while the history as well as the natural conditions of Virginia gave her an intermediate character.

These points of difference, however, only modified, and did not override the tendency to uniformity. The one great predominant influence that ran through all the southern colonies and moulded their usages and principles was slavery. As we have seen, the form of servile labor which was first introduced into our American colonies was not that which ultimately prevailed. In the early days of Virginia and Maryland the slave was usually not a negro, but an Englishman condemned either penally or by contract to a limited period of bondage. As far as we can judge from the scanty and scattered records at our command, the condition and character of the indented servant underwent a marked change during the seventeenth century, and a change for the worse. At the outset this class was supplied from two sources. A few were felons, usually those with whom capital punishment had been commuted to colonial servitude.[1] The cases, however, do not seem to have been numerous, and probably had but little effect on the general character of the popula-

Early forms of slavery.

[1] The earliest instance of such transportation which I can find is in June, 1618, when one Ambrose Smithe, a felon, is reprieved by the magistrates of Middlesex to be employed in any service in Virginia or the East Indies. *Domestic Papers.* Several instances of transportation are to be found in Mr. Sainsbury's *Calendar of Papers* from 1661–70. He has some general emarks on the subject in his Preface, p. xxix.

tion. The bulk of the indented servants in Virginia were laborers who bound themselves for a fixed term of service with a certainty of becoming small freeholders at the end of that period. Gradually the system was changed. The great tobacco plantations of Virginia needed a larger servile population than could be provided by the chance supply of pardoned criminals. Nor were the ultimate prospects of an indented servant such as to attract free laborers in any number. The market was indeed partly furnished by political prisoners. There were few ages of English history in which this resource would have insured so constant a supply as in the latter half of the seventeenth century. Penruddock's attempt against the Commonwealth in 1655,[1] the Scotch rebellion in 1666,[2] the rising of the West under Monmouth,[3] the Jacobite insurrection of 1715,[4] each furnished its share of prisoners to the colonies. But the demand was far in excess of such precarious aids, and, as might have been expected, it soon produced a regular and organized supply. It became a trade to furnish the plantations with servile labor drawn from the offscourings of the mother country.

When the new Colonial Board came into being in 1661, not the least important of its duties was the control of the trade in indented servants. In that year a committee was appointed to consider the best means of furnishing labor to the plantations by authorizing contractors to transport criminals, beggars, and vagrants.[5] More important than the encouragement of this trade was the control and direction of it. The evils of the system were twofold. On the one hand, the young, the inexperienced, and the friendless were at the mercy of kidnappers, spirits, as they were called, who forced or beguiled them on shipboard and transported them to the colonial market. Children and apprentices were stolen.[6] All those, and in a lawless age such as that was, there were many, of whom profligacy, cupidity, or malevolence would fain rid themselves, were in danger of being con-

1 *Colonial Papers*, 1656, January 8. Edward Penruddock and another petition to be sent to Virginia rather than Barbadoes.

2 *Colonial Papers*, 1666, December 13.

3 *Virginian Papers*, 1685, October.

4 A letter from Carteret (*Carolina Papers*, June, 1716) states that some Jacobites taken prisoners at Preston had successfully petitioned to be transported to Carolina, to serve there for seven years.

5 *Colonial Papers*, 1661, June 3.

6 The earliest use that I find of this name "spirits" is in 1657 (*Colonial Papers*, August 6) Four years earlier we find one Robert Broome obtaining a warrant for the recovery of his son, kidnapped by the captain of a vessel sailing to Virginia.

signed to a life which left small chances of discovery or escape. The first and greatest in Johnson's series of biographies has familiarized the world with such an instance. Savage's account of his parentage and early days may have been a romance. But it was a romance which aimed at probability, and the fate of James Annesley shows that banishment to the plantations was the probable lot of a child whose existence threatened disgrace or trouble to a noble family.[1]

Nor was this the only danger of the system. The Bristol slave ships served not only as a prison for the innocent, but as a refuge for the guilty. Runaway apprentices, faithless husbands and wives, fugitive thieves and murderers, were thus enabled to escape beyond the reach of civil or criminal justice.[2] The system, however, was as yet too necessary to be given up. The statesmen of Charles I.'s reign betook themselves with energy to the problems of colonial government. The question of slavery was perhaps the most difficult that came before them, and they met it with judgment and, as it would seem, with fair success.

In 1664 a commission was appointed, with the Duke of York at its head, to examine and report upon the exportation of servants.[3] At the same time an office was established where all persons going out of their own free will might register their indentures.[4] Six years later a bill was laid before Parliament to make the kidnapping of children for the plantations a capital crime.[5] The evil still went on, as we learn from the records of the next reign. In 1682 we find a number of merchants petitioning against vexatious prosecutions by the crown on the charge of having exported persons to the plantations, although they had the free consent of such persons.[6] We read, too, how the magistrates of Bristol drove a thriving trade by condemning criminals and transferring them as articles of merchandise from one to another, and how the exposure and denunciation of these malprac-

---

[1] The legal proceedings in the case of James Annesley are fully reported in the *Gentleman's Magazine* for 1744. His adventures in America are told in a pamphlet entitled *The Memoirs of an Unfortunate Nobleman, returned from a Thirteen Years' Slavery in America*, published in Dublin, 1743.

[2] All these evils are set forth in a petition from the Mayor of Bristol. *Colonial Papers*, 1662, July 16.

[3] *Colonial Papers*, 1664, September 7. [4] *Ib.*

[5] The measure passed the Lower House, was returned by the Lords in an amended form, and came to nothing. See *Commons Journals*.

[6] The petition is referred to the Boards of Trade and Plantations by an Order of Council, November 3, 1682.

tices by Jeffreys formed the one redeeming feature of the Bloody Assizes.[1]

The publicity thus given to the matter may have brought about the Order of Council in March, 1686, directed alike against kidnappers and fraudulent servants.[2] This provided, 1. That all contracts between emigrant servants and their masters should be formally executed before two magistrates, and that a register of such bargains should be kept. 2. That no adult should be transported but by his own free consent, and no child without the consent of either the parent or master. 3. In the case of children under fourteen, the consent of the parent as well as the master was necessary, unless the former was not forthcoming. That a system which imposed no check upon the kidnapping of friendless orphans, or the sale of children by their own parents, should have been accepted as satisfactory, is a startling illustration of the temper of that age, and of the vast gulf which in some matters severs us from our forefathers. After this no trace is to be found of any legislative attempt to cope with these abuses. That, however, may be attributed not to the improvement of the system, but to the fact that it was gradually giving way before a rival form of industry.

The economical success which had attended the introduction of negroes into the West Indies made it almost certain that the American colonies would betake themselves to the same resource. The first introduction of negroes is commonly placed in the year 1620, when a Dutch ship landed twenty of them for sale at Jamestown.[3] For some years their numbers increased but slowly. In 1649 Virginia contained only three hundred.[4] By 1661 they had increased to two thousand, while the indented servants were four times that number.[5] Twenty-two years later, if we may trust Culpepper's statement, the number of white servants was nearly doubled, while that of the negroes had only increased by one-half.[6] Of their numbers and proportions in Maryland and North Carolina we have no definite evidence. In South Carolina negro slavery seems to have been, almost from the outset, the prevalent form

Establishment of negro slavery.

1 North's *Life of Lord Guildford*, ed. 1742, pp. 121, 216.

2 A printed copy of this order is in the Bodleian Library, bound up with various American pamphlets.

3 Beverley, p. 35.

4 *A Perfect Description of Virginia.* Force, vol. iii.

5 Berkeley's report. Hening, vol. ii. p. 515.

6 Culpepper's report. *Colonial Entry Book*, No. lxxx. p. 339.

of industry. As early as 1708 we are told that three-fifths of the population were blacks.[1] This alteration in the relative numbers of white servants and black slaves was accelerated by a change which had come over the commercial policy of the English government. In 1662 the Royal African Company was incorporated. At the head of it was the Duke of York, and the king himself was a large shareholder. The chief profit of this company was derived from the exportation of negroes from Guinea to the plantations. The king and his brother henceforth had a direct interest in limiting the supply of indented servants, and it is not unlikely that this explains why Jeffreys for once deviated into the paths of humanity and justice.[2]

Without trusting entirely to the statistics given above, we can clearly see that the rapid growth of negro slavery effectually destroyed the earlier system.[3] To trace out that process in detail would be a study of the greatest economical and social interest, but unhappily no materials for doing so are at our disposal. As with so many great social changes, the process went on in part unheeded, in part unrecorded, from its very familiarity. But though we cannot follow the process in detail, we can see its results, and we can easily trace some at least of the conditions which caused them. As a means of giving the peasant proprietor the necessary apprenticeship to his work, of acclimatizing him to the country and enabling him to accumulate capital by his own labor, it might have been successful. Had negro slavery never existed, had the natural resources of the southern colonies favored the growth of a free yeomanry, the system of indenture would have been admirably fitted to establish a population of small proprietors, trained in habits of industry and in a competent knowledge of agriculture. The social and industrial life of the colonies forbade this. A peasant proprietary can only exist under severe restraints as to increase, or where there is urban life to take off the surplus population for trades and handicrafts. The southern colonies fulfilled neither of these conditions. When the servant was out of his indentures there was no place for him. He could not become a shopkeeper or craftsman, or a free agricultural

[1] Rivers, p. 232.

[2] Thus Lord Howard of Effingham, when Governor of Virginia, is specially instructed by the king to watch the interests of the Royal African Company in the matter of the slave trade. *Colonial Entry Book*, No. lxxxiii. p. 129.

[3] "These servants are but an insignificant number when compared with the vast shoals of negroes."—*The Present State of Virginia*, by Hugh Jones, 1724

laborer, for none of these callings existed. Moreover, the very same conditions of soil and climate which enabled slavery to exist, made it possible for the freeman to procure a scanty livelihood without any habits of settled industry. Thus the liberated servant became an idler, socially corrupt, and often politically dangerous. He furnished that class, justly described by a Virginian of that day, as "a fœculum of beings called overseers, a most abject unprincipled race."[1] He was the forerunner, and possibly in some degree the progenitor, of that class who did so much to intensify the evils of slavery, the "mean whites" of later times.

The system was attended with another more direct and obvious peril. The political prisoner might find allies and sympathizers among the free population and thus become a source of danger. An illustration of this is furnished by the successive enactments passed by the Maryland legislature, for limiting the importation of Irish Papists.[2]

Negro slavery was at least free from all these drawbacks and from the difficulties of kidnapping. The negro, too, was a more enduring and less costly instrument than the white servant. The slave for life would far more readily take his place as one of an organized gang, working with the mechanical obedience of a plough-ox or a cart-horse, than would the indented servant who was looking forward to the time of freedom. We may also believe that humane considerations had their share in determining the preference for the negro slave over the white servant. We may be sure that many a planter who thought nothing of the horrors of the middle passage or the hardships of the slave gang in the case of the negro, shrank from subjecting his own countrymen to such misery. And when once negro slavery was firmly established, any rival form of industry was doomed. For it is an economical law of slavery, that where it exists it must exist without a rival. It can only succeed where it is a predominant form of labor. The utility of the slave is that of a machine. When once he has been trained to any special kind of industry, no attempts to enlarge his sphere of activity can be attended with profit. The time given to the new acquisition is so much waste, and his mental incapacity and absence of any moral interest in his work almost necessarily limits him to a single task. Thus, as we have seen, the many attempts to develop varied forms of production in the southern colonies all failed. Maryland and

[1] A private letter quoted in Wirt's *Life of Patrick Henry*.

[2] Bacon, 1699, ch. xxiii.; 1704, ch. xxxiii.; 1712, ch. xxii.; 1715, ch. xxxvi.

Virginia grew only tobacco, South Carolina grew mainly rice. Moreover, the spectacle of the free laborer working on the same soil and at the same task, would be fatal to that resignation and that complete moral and intellectual subjection, which alone can make slave labor possible. Thus the cheaper and more efficient system obtained the mastery so completely that by the beginning of the eighteenth century slave and negro had become well-nigh synonymous terms.

The new system, indeed, did not win the day wholly without a struggle. A Virginian clergyman writing in 1724 deplores the number of negroes and the consequent discouragement to the poorer class of white emigrants.[1] In South Carolina more than one attempt was made to stem the tide. In 1678 an Act was passed offering a bounty on the importation of indented white servants, Irish only excepted. That they were designed to counteract the influx of black slaves is shown by the provision that they were to be distributed among the planters, one to every six negroes.[2] In 1712 a more elaborate attempt was made in the same direction. An Act was passed which declared in its preamble the importance of increasing the numbers of the population.[3] A bounty of fourteen pounds a head was offered for the importation of British subjects between twelve and thirty years of age. They were not to be criminals, and any attempt to evade this condition was to be punished by a fine of twenty-five pounds. This seems to have had some immediate result, since five years later it was found necessary to pass an Act for the better government of white servants, of whom great numbers had lately come over.[4] In 1719 the Assembly took the further step of imposing a duty of forty pounds on all imported negroes. Had this measure been carried it must have put an end to the slave trade as far as South Carolina was concerned. It is sad to think that such a measure was frustrated by the cupidity and jealousy of the English government. But it had become a settled maxim of colonial policy to allow the provincial assemblies no control over external trade, and in all commercial legislation to regard the profit of the English merchant rather than the social and industrial well-being of the colonists. The Proprietors and the crown were for once united, and the measure was vetoed.[5]

---

[1] Hugh Jones, as above quoted. Cf. p. 123.
[2] Cooper's *Laws of South Carolina*, vol. ii. p. 153.
[3] Trott's *Laws of South Carolina*, vol. i. p. 217.
[4] *Ib.*, p. 312.
[5] See page 375.

If the colonists were not wholly blind to the economical mischiefs of slavery, there are no traces of that opposition to it on humane grounds which we meet with at a later day. Here and there, indeed, the more obvious evils incidental to slavery called forth a protest. Thus Morgan Godwyn, in his "Negroes' Advocate," published in 1680, urges the claims of the slave to be treated as a being capable of religious influences and amenable to moral laws, and denounces the cruelty of West India planters with the fervor of a Las Casas. In Sothern's play of "Oroonoko" and in Addison's adaptation of the story of Yarico we may trace a dim foreshadowing of later feeling. Baxter, too, in his "Christians' Directory," reminds the slave-master that he can have but a limited dominion over beings with souls, and that God is their absolute owner. But with all these writers it is the abuse of slavery that is denounced, the cruelty and injustice which attach themselves as excrescences to the system. It needed the teaching of time to show that the whole system was a corrupt one, fatal to the social well-being of a community because fatal to free industry and to the purity of domestic life.

Moral feeling about slavery.

The moral evils of the new system did not appear in their full horror till a later day, yet we can trace the germs of them from the very outset. The indented servant was not unfrequently the subject of humane interference, both from the colonial legislatures and from the English government. Culpepper's instructions tell him to induce the Assembly to pass an Act for the protection of servants, and he replies that the laws at present extant are sufficient for the purpose, but that between bad servants and bad masters the matter is beset with difficulties. The Maryland Assembly of 1715, which applied itself specially to the whole question, passed an enactment for the same purpose.[1] The terms leave it doubtful whether the Act was intended to include negroes or whether its benefits were limited to indented servants. Be that as it may, in the generality of cases where legislation dealt with the negro, it was only to confirm and perpetuate the barrier between the two races. From the outset there was a sharp distinction between the negro and the indented servant. No hereditary disqualification attached to the latter. He was not one of a race of bondsmen. With the

Legislation about slavery.

[1] Bacon's *Laws of Maryland.*

negro slavery descended from parent to child.[1] Nor was there any prospect of a fusion between the races. In Maryland and Virginia mixed marriages were strictly forbidden.[2] At the same time those unlawful unions between the races, which at a later day invested slavery with its worst evils, were prohibited under severe penalties. In Virginia, as early as 1637, a white man was obliged to do public penance for having intercourse with a negro woman.[3] In 1691 a law was passed enacting that if any white woman had a child by a negro she should be fined fifteen pounds, or, in default of payment, be sold for five years.[4] In Maryland any sort of union was strictly forbidden.[5] The white settlers of either sex who, of free choice, lowered themselves to the level of the servile race, were treated as having thereby incurred the penalties which attached to that race. The separation was not merely of status, but of color. The free man, black or white, who had intercourse with a woman of the opposite race, was to become a slave for seven years. Nay, more: if a free negro woman had a child by a man of her own race, even though free, she was to revert to a state of slavery. In other words, she could only obtain her freedom by renouncing her race. Among the imperfect records of legislation in South Carolina we find enactments of the same purport.[6] The language in which these offenses are formally described forcibly illustrates the feeling with which they were regarded. Such unions are "unnatural and inordinate."[7] The white man who so offended "defiled his body" and "abused himself to the dishonor of God and shame of Christianity."[8]

We find traces, too, of that watchful dread which in after times became so strongly marked and so repulsive a feature of slavery. In 1687 we find Lord Howard reporting to the Lords of Plantations that a negro plot had been discovered, and commenting on the dangerous liberty granted to slaves of walking abroad on Saturdays and Sundays, and meeting at the funerals of their friends.[9] In Maryland an Act passed in 1715 forbade any negro to go three miles without a pass, or to carry a gun beyond the limits of his master's plantation.[10]

---

[1] Beverley, p. 235. Bacon, 1715, ch. xliv. 23.
[2] Hening, vol. iii. p. 453. Bacon, 1715, ch. xliv. 25; 1717, ch. xiii. 5.
[3] Hening, vol. i. p. 552.
[4] *Ib.*, vol. ii. p. 87.
[5] Bacon, 1715, ch. xliv. 26–8.
[6] Trott, vol. i. p. 318.
[7] Trott, *Laws of South Carolina*, vol. i. p. 318.
[8] Hening, vol. i. p. 146.
[9] Report from Howard. *Colonial Entry Book*, No. lxxxv.
[10] Bacon, 1715, ch. xliv. 33.

At one time, indeed, it seemed as if the condition of the negro was destined to be even more hopelessly degraded. The plant-

Religious status of the negro.

ers in Virginia and Maryland withheld baptism from their slaves under the belief that it would be illegal to hold Christian men in bondage. When Culpepper sought to fulfill that part of his instructions which specially ordered the conversion of the negroes, he was met by this difficulty. He seems, however, to have given the planters an authoritative assurance that conversion to Christianity would in no way affect the status of the slave, and he was able to tell the English government that negroes were daily christened.[1] The same difficulty arose in Maryland and in Carolina, and in each colony it was necessary for the government expressly to declare that baptism did not carry with it any claim to freedom.[2]

It is not too much to say that the whole order of southern society, its manner of life and forms of industry, were fashioned by

General influence of slavery.

slavery. We have already seen how the early conditions of Virginian life tended to throw the land of the colony into the hands of a few large proprietors. That tendency was confirmed and intensified by slavery. For slave labor can only be employed profitably in large gangs, and such gangs can only be worked on wide territories and in the hands of great capitalists. In Maryland we hear of thirteen hundred slaves belonging to a single master.[3] In Virginia nine hundred seems to be the largest number recorded.[4] The peculiar industry of Carolina, rice-growing, adapted itself better to moderate-sized holdings. Thirty slaves, we are told, was the average staff of a plantation.[5]

In this way the possession of slaves did for the southern colonies what land does for long-settled countries. Where land is

Development of an aristocracy.

abundant and labor and cattle dear, there is no likelihood of a landed aristocracy growing up. No one will care to acquire land when he can extract no profit from it. If the titular supremacy over land is valued as among the highlanders of Scotland, it is not for the sake of the soil itself, but of certain rights over the clansmen which that supremacy carries with it. Thus in primitive society cattle is the measure of wealth, and the rich man is not he who can let land, but he who can supply

[1] *Colonial Entry Book*, No. lxxxii. pp. 90, 140. Cf. Hugh Jones, p. 70.
[2] Bacon, 1715, ch. xliv. 24. Trott, vol. i. p. 213.
[3] *Terra Mariæ*, p. 201. [4] Hugh Jones, p. 37.
[5] Description of South Carolina, in Carroll, ii. 202.

his inferiors with live stock. If the southern colonies had depended on free labor a tract of land in Virginia or Maryland would have been a merely nominal property. Slavery came in as the one means by which the capitalist could assert his superiority over the man who owned nothing but his own labor. The result was the establishment of a landed aristocracy, a result which was facilitated by the tastes and tendencies which the southern colonists had carried to their new homes. But it must be remembered that the southern planter was primarily a slaveholder and only incidentally a landowner. His estate was merely a needful condition for utilizing the capital which he had invested in human labor.

Social life of the Southern colonies.

Thus grew up that strange form of life peculiar to slave-holding states, such as the southern colonies of America and the West Indian islands. Each plantation became a separate community, well-nigh independent and self-supporting. There were no towns and consequently no shops. The freeman rebelled against the idea of becoming a laborer, and thus there were no artisans. Beyond the rough clothing of the slaves, almost every necessary of life was brought from England. Clothes, shoes, household furniture, crockery, even wooden bowls, were imported.[1] Such was the lack of mechanical skill that we even hear of the timber for a house being sent in the rough to England, and returned fashioned and ready to be put together.[2] Fifty years later Jefferson wrote, "While we have land to labor let us never wish to see our citizens occupied at a work-bench or twirling a distaff."[3]

Want of coinage.

In this state of things is to be found an explanation of a phenomenon which meets us at every turn in Virginian history. Almost from its earliest days the community relapsed into a state of barter. Constant efforts were made to enforce payment in coin but in vain. In 1645 the Assembly fixed a legal value for Spanish coins and entertained proposals for a copper coinage of its own.[4] We have seen how Culpepper attempted to combine the functions of a reforming governor and a successful speculator.[5] All these attempts failed, as any attempt must fail which seeks to force upon a community by enactment an article which it does not want. Tobacco, as the staple product of

[1] Beverley, p. 255. See, too, the account of Virginia in the *New General Atlas*, 1721.
[2] *Calendar of Virginian State Papers*, by W. P. Palmer. Introduction, p. lv.
[3] *State of Virginia*, p. 275.
[4] Hening, vol. i. p, 308.
[5] See page 263.

the country, established itself as the accepted medium of exchange. Legal dues were commuted for tobacco at a fixed rate, and, as might be supposed, the fluctuations of the yearly crop gave rise to constant disputes and to alleged hardships in the case of the clergy and other recipients of fixed incomes.[1] The same thing happened in Maryland. There Cecilius Calvert established a coinage, but his attempts to bring it into circulation were unavailing, and, as in Virginia, tobacco took the place of money.[2]

The reason is not far to seek. The demand for ready money is mainly due to two causes, retail trade and the necessity for a wage-fund. In the southern states neither of these existed. The isolated, self-supporting life of the plantation made ready money almost a superfluity. No artisan or peasant came for weekly wages, no shopkeeper sent in his account. The planter shipped his tobacco to England and received the value in bills, which in turn were paid to the English merchant for necessities imported to Virginia.[3]

Another condition which checked any influx of money was the fact that the planter was almost invariably indebted to the merchant.[4] That, indeed, is an almost inevitable phenomenon of slavery. For of all forms of industry connected with land, that of the slaveholder is the one which requires the largest capital in proportion to the extent of his operations. Just as the man who farms his own freehold needs more capital than the man who rents a farm of the same size, so the man who buys his labor in a mass before he begins his operations needs more capital than the man who pays for it in monthly or weekly wages. Thus the constant tendency of the planter is to enlarge or facilitate his operations by raising fresh capital, while his stock of slaves offers him a ready means, and consequently an inducement, for borrowing money. Thus we can explain those constant lamentations over the poverty-stricken and indebted condition of the planters which fill the letters of every colonial Governor and agent in the latter part of the seventeenth century.

One conspicuous result of the absence of urban life was that lack of education which Blair and Beverley deplore. It was not

[1] It is needless to give references for a phenomenon which is constantly meeting us. The disputes concerning the payment of dues to the clergy gave rise to a memorable episode in Virginian history, the first success won by Patrick Henry as an orator.

[2] See Crosby's *Early Coins of America*, p. 124.

[3] Hugh Jones, p. 86.

[4] This is stated in the letters of Ludwell, Nicholson, and others.

upon the upper classes that the evil of this state of things mainly fell. The rich planter could have a private tutor for his sons or send them for education to England. But in the absence of schools the small freeholder, so far as such a class existed, grew up with tastes and habits little above those of the savage whom he had supplanted. In Carolina, indeed, owing to the existence of a real capital town, and to the smaller size and consequently the greater proximity of the plantations, there was more of an approach to urban life. There, as in Virginia, the artisan and the free laborer formed no important element in society, but the planter himself attained a higher degree of social refinement and mental culture.

Want of education.

As yet we have been considering the worse side of southern life. It would be unfair to the system to overlook its better aspects. The southern planter could hardly sink into the stagnant life of an uneducated squire in a remote English county in the last century. To manage a plantation, with its overseers and its slave population of either sex, and all ages, of various tempers and degrees of capacity, was to administer a little commonwealth. The planter, too, was a merchant as well. Doubtless his life might degenerate into one of tyranny, caprice and self-indulgence, but the system was one under which such failings brought their own punishment, and in which clear intelligence and energy of purpose could not but stand out prominent and successful.

Compensating advantages of slavery.

The system, too, was one whose very faults contributed to its cohesion and in a measure to its strength. The southern slaveholders had the vices of an oligarchy, but they had also its self-reliance, its organization, and its self-respect. They felt themselves raised above the small white freeholder, and not only raised above, but united against, the negro slave. The oligarchy of landowners was not broken up by any of those cross divisions and sectional interests which make themselves felt in an old country with its wider interests and more varied pursuits. The learned professions could hardly be said to exist. Thus whatever energy and ability the planter possessed has been devoted, firstly, to the affairs of the little commonwealth over which he ruled, and then to discharging, without pay and from sense of obligation, his duties as a member of a governing caste. The southern colonies were in full what England always was in part, communities governed by an unpaid aristocracy of wealth and birth. The Governor and Secretary indeed received salaries. But the

richer planters discharged without pay the duties of Councilors, of sheriffs, and of county magistrates, offices to which attached nearly all the executive and many of the judicial duties which existed in the colony. The organization of a Virginian county was what the organization of an English county would be, if it were suddenly emancipated from the control of the various central departments with which it is constantly brought in contact.

Moreover, the habits of the country, the lack of inns, the open and unquestioning hospitality granted to the traveler at every plantation, kept up a free and neighborly intercourse between the settlers. The richer families became connected by an unbroken chain of close intermarriages. Thus in Virginia a strong sense of caste grew up among the dominant order. The leading Virginians of a later day traced their pedigrees back to the companions of Smith and the followers of Dale with all the pride of a Dering or a Courtenay. Offices were handed down from father to son, and the social and political usages of the country acquired all the tenacity of hereditary prescription.

Aristocratic feeling.

In South Carolina country life played a less important part. But the oligarchical spirit, if weaker in that respect, was fortified by other influences. The city life of Charlestown developed an amount of mental culture which was denied to the Virginian planter.[1] In South Carolina, as in the communities of the ancient world, a system of agriculture founded on slave labor was the condition under which a city population led a life of cultivated leisure. This and the vast dimensions which slavery soon reached intensified the feeling which bound together the oligarchy of slaveholders.

Peculiarities of South Carolina.

Thus the prejudices of race, strengthened by the consciousness of higher intelligence and culture, acquired an intensity unknown elsewhere, and South Carolina became the very type of a slave-holding aristocracy. If slavery had been confined to Virginia and Maryland, in might have died out in the eighteenth century, crushed beneath the weight of its moral and economical shortcomings. In Carolina it became a corner-stone of the political system, a motive power in the world's history.

---

1 Lawson, p. 3. "They have a considerable trade both to Europe and the West Indies, whereby they become rich and are supplied with all things necessary for trade and genteel living which several other places fall short of. Their cohabiting in a town has drawn to them ingenious people of most sciences, whereby they have tutors amongst them that educate their youth *à la mode*."

APPENDICES.

APPENDIX A.

The Name Indian, p. 10.

The Spanish writers from the outset, beginning with Columbus in his letters, called the natives of America, Indians, and their English translators do the same. So, too, Richard Eden, the earliest English writer on American travel, applies the name to the natives of Peru and Mexico. It is used in the same way, both in translations and original accounts, during the rest of the century, but it is always limited to those races with whom the Spaniards were in contact. In its wider and later application the word does not seem to have established itself in English till the next century. The earliest instance I can find, where it is applied to the natives of North America generally in any original work, is by Hakluyt. In 1587 he translated Laudonnière's "History of the French Colony in Florida," and dedicated his translation to Sir Walter Raleigh. In this dedication he once uses the term Indian for the natives of North America. Heriot and the other writers who describe the various attempts at settlement in Virginia during the sixteenth century, invariably called the natives "savages." Perhaps the earliest instance where an English writer uses the name Indian specially to describe the occupants of the land afterwards colonized by the English is in the account of Archer's voyage to Virginia in 1602. This account, written by James Rosier, is published in Purchas (vol. iv. b. viii.), From that time onward the use of the term in the wider sense becomes more common. We may reasonably infer that the use of it was an indication of the growing knowledge of the fact that the lands conquered by the Spaniards and those explored by the English formed one continent.

APPENDIX B.

Hereditary Succession among the Indians, p. 14.

The system of succession among the Indians is a matter of interest, as throwing some light on the special stage of development which the North American savages had reached when first discovered by European voyagers.

Among the Virginians and also among the Iroquois or Five Nations, the system of succession through females prevailed. All kinship for purposes of succession to the chieftainship was reckoned through the mother. The deceased chief was succeeded by his eldest uterine brother; when the stock of brothers was exhausted, the succession devolved on the eldest uterine nephew, unless, indeed, the sisters of the deceased intervened. That this was so is distinctly stated by Strachey (p. 53), and his statement is in some measure borne out by the not unfrequent mention of queens and female chiefs.

The researches of the late Mr. McLennan and others who have followed the same line of inquiry may be considered to have clearly established the view, that this mode of succession is a relic of the time when promiscuous intercourse, or polyandry, was the prevailing usage, and when consequently certainty in kinship could only be found on the mother's side, and that it therefore belongs to an earlier stage of society than the more familiar system of succession through males.

At the same time the system of succession through females, although it obtained among the Virginians and the Iroquois, was not universal among the American Indians, and in modern times at least not even common.

Alexander, the chief of the Narragansetts, brother and predecessor to Philip, the great enemy of the English settlers, succeeded his father Massasoit. Catlin distinctly tells us (vol. i. p. 192) that "it is a general, though not an infallible, rule among the numerous tribes of North American Indians that the office of chief belongs to the eldest son of a chief, provided he shows himself by his conduct to be equally worthy of it as any other in the nation; making it hereditary on a very proper condition—in default of which, or others which may happen, the office is elective." From this passage it is clear that Catlin knew of only two alternatives, election and succession in the male line, and it is most unlikely that a shrewd observer, as he was, would have overlooked so peculiar and anomalous a system as succession through females, had it been at all widely spread.

Now it is also noteworthy that not only Catlin, but also various writers in Schoolcraft's collection, dwell on the lax nature of the chief's authority, and that more than one of them distinctly speaks of the existing system of chieftainship as a novelty. Thus Mr. Prescott (vol. iii. p. 182) says that "the chieftainship (among the Sioux) is of

modern date." Another writer, Mr. Eakes, whose information was obtained by word of mouth from a Creek chief, says that in that tribe "the chiefs were not originally hereditary; the descent was in the female line. This custom has become extinct. The chiefs are now chosen by the Council." It is almost needless to point out that in the above extract "hereditary" means transmitted from father to son.

From this we may conclude almost with certainty that the system which the first European voyagers found extant in Virginia, and which survived till later times among the Five Nations, had elsewhere recently given way to the system of male succession or of election, while those were in the present century regarded as novelties, and the authority which they gave had not yet acquired the strength of long-established usage.

APPENDIX C.

The Cabots and their Voyages, p. 23.

The voyages of the Cabots, or of Sebastian Cabot, have been a strange stumbling-block to historians. The acme of confusion was reached when a living writer, Mr. Froude, told us that in 1497 Sebastian Cabot was "a little boy!"

Two writers have made a special study of the career of Sebastian Cabot. These are Mr. Biddle and Mr. Nicholls, and from a comparison of their writings with the original authorities we can obtain a fairly clear idea of the question, though certain details must still remain matters of uncertainty. Messrs. Bryant and Gay have also dealt with the subject in a clear and comprehensive manner.

The main points about Sebastian Cabot on which doubt has arisen are:

1. His birthplace.
2. The number of his voyages made from England before 1500.
3. The extent of these voyages respectively.
4. The relative parts played by John and Sebastian Cabot.

Before entering upon these questions it may be well to set forth clearly the extent and nature of the evidence before us.

Of strictly contemporary evidence we have:

1. The two patents referred to in my text. These, as far as they go, are evidence of the very highest order.

2. A statement in "Stow's Annals," as follows:

"This yeare (1498) one Sebastian Gaboto, a Genoa's son, born in Bristow, professing himself to be expert in knowledge of the arch of the world and of the Islands of the same, as by his charts and other reasonable demonstrations he showed, caused the king to man and victual a ship at Bristow to search for an island which he knew to be

replenished with rich commodities: in this ship divers merchants of London adventured small stocks, and in the company of this ship sailed also out of Bristow three or four ships fraught with sleight and gross wares."

This extract is to be found p. 804, in the first edition of "Stow's Annals," published in 1605. Nevertheless I venture to call it a contemporary authority since Stow, who was a painstaking and accurate antiquary, professes to have derived it from an unpublished MS. written by Robert Fabian.

This passage was privately communicated by Stow to Hakluyt, before "Stow's Annals" appeared. It was first published in "Hakluyt's Divers Voyages," in 1582. It there bears the heading, "A note of Sebastian Cabot's first discovery of part of the Indies, taken out of the latter part of Robert Fabian's Chronicle, not hitherto printed, which is in the custody of Mr. John Stow, a diligent preserver of antiquities." In the statement itself, Hakluyt, who evidently knew a portion of the history of the Cabot family, but not the whole, altered "a Genoa's son" to "a Venetian." In his later and greater work he republished the extract, but with a still further change. He substitutes John for Sebastian, leaving his former heading. Of this change I shall have more to say hereafter.

3. A letter from Lorenzo Pasqualigo, the Venetian ambassador in England, published by Mr. Rawdon Brown, in his "Calendar of Venetian State Papers," Sept. 11, 1497. We do not know enough of Pasqualigo to judge how far he may be fully trusted. We may, however, be sure that he can be relied on in matters of general notoriety. The main points in this letter are: that a Venetian called Juan Cabot had sailed from Bristol to discover new lands; that seven hundred leagues from England he had found the territory of the Great Cham; that he had coasted for three hundred leagues and landed, seeing no human beings, but finding, with other signs of human habitation, some snares for game and a needle, which he brought home. Next year he was to sail with ten ships. In the mean time he lived at Bristol, paid by the king and honored by all men. This letter is dated August 27, 1497.

4. Another extract from the Venetian Archives, dated August 24, 1497. This is only a bare statement of the facts recorded in Pasqualigo's letter, with the one detail added, that the first voyage was made at the king's expense. Moreover, the number of ships to be sent in the next year is increased from ten to fifteen or twenty.

5. The extract referred to in my text from the Privy Purse Expenses: "To him that found the new Isle 10*l.*;" and also certain references in the same papers to a voyage in 1498.

Besides these definite contemporary records we have a statement which may or may not be contemporary, extracted from a Bristol MS.

by Mr. Barrett in his history of Bristol which states: "In the year 1497, the 24th of June, on St. John's day, was Newfoundland found by Bristol men in a ship called the Matthew."

There are also various original but not strictly contemporary authorities. Those worthy of attention are:

1. A map extant in the "Bibliothèque Impériale" in Paris, dated 1544, with the following inscription: "Terram hanc olim nobis clausam aperuit Johannes Cabotus Venetus necnon Sebastianus Cabotus ejus filius anno ab orbe redempto, 1494, die vero 24 Junii hora 5, ut diluculo quam terram primum visam appellârunt et insulam quandam in oppositam insulam divi Johannis nominârunt quippe quæ solemni die festo divi Joannis aperte (*sic*) fuit." I quote this from Mr. Nicholls, p. 29. The map itself is attributed to Cabot. But did he add the inscription?

2. An extract published by Hakluyt with the statement that it was "taken out of the map of Sebastian Cabot by Clement Adams, concerning his discovery of the West Indies, which is to be seen in her Majesties privie gallerie at Westminster, and in many other merchants' houses." The text of the extract itself is, "Anno Domini 1497 Joannes Cabotus Venetus et Sebastianus illius filius eam terram fecerunt perviam quam nullus prius aduc ausus fuit, die 24 Junii, circiter horam quintam bene mane. Hanc autem appellavit terram primum visam credo quod ex mari in eam partem primum oculos injecerat. Nam quæ ex adverso sita est insula, eam appellavit insulam Divi Johannis hac opinor ratione quod aperta fuit eo die qui est sacer Divo Johanni Baptistæ." It then goes on to describe the natives, their dress and equipments, and the beasts, birds and fishes of the newly-discovered land. There can, I think, be little doubt that the map which this accompanied was identical with that of Paris, and that the written description differs only in form. Of the one really important discrepancy I shall have more to say.

3. A statement made by Baptista Ramusius. He was a Venetian, born in 1486, and employed in the service of the Republic, chiefly in foreign embassies. His principal work, a "History of Voyages," was published at Venice in 1550, and more than one other edition was published before the end of the century. This was translated by Hakluyt. It contains a statement of what Galearius Butrigarius, the Pope's legate in Spain, had heard from certain Venetians. He was told in Seville that Cabot, the great scientific navigator, had sailed with two ships supplied him at the king's cost in 1496, to find a northwest passage to Cathay; that he failed, and so sailed along the coast southward to Florida; that he then returned to England, where he found the nation busy with its disputes with Scotland, and so disinclined for further enterprises. This, it is clear, is very poor evidence, coming as it does third hand.

4. The same Ramusius in the preface to his third volume, also translated by Hakluyt. Ramusius there states that Cabot sailed at the charges of Henry VII. to 67½ degrees north latitude, and reached his northernmost point on the eleventh of June: that he believed that he would find a northwest passage, but was hindered by the mutiny of his ship-masters and passengers.

5. The best and most explicit of the non-contemporary authorities is Peter Martyr. He was a Milanese, born 1455, and employed in the service of the Spanish Crown from 1487 to his death in 1526. Few men could have been in a better position for obtaining authentic information as to the voyages of the age. In fact his great work, the "Decades of the New World," though not published till after his death, may be looked on as having all the weight of a contemporary authority. He professes to have been an intimate friend of Cabot. He states that Sebastian Cabot was a Venetian by blood (genere Venetus), and that he was taken to England by his parents while yet young (pene infans). Afterwards he furnished two ships at his own cost, and with three hundred men sailed towards the North Pole. He there, in July, found icebergs and almost continuous daylight. At the same time, the sea was not ice-bound (Julio mense vastas reperit glaciales moles pelago natantes et lucem fere perpetuam, tellure tamen liberâ, gelu liquefacto). Then, of necessity (quare coactus fuit) he sailed south into the latitudes of the strait of Gibraltar, passed between Cuba and the mainland, and encountered the Gulf Stream. He found immense shoals of tunnies, people clad in skins, but not without the use of reason, and bears who draw the fish out of the water. He also found in many parts copper among the inhabitants. This appears to me to be the most valuable, as it is certainly the most explicit, testimony we have. If we are to accept this statement and Pasqualigo's as both literally true, they must refer to different voyages. It is clear that the voyage in which no inhabitants were seen could not be that in which he found copper among the inhabitants (Orichalcum in plerisque locis se vidisse apud incolas prædicat). At the same time, as Pasqualigo wrote about a fortnight after Cabot's return, it might well be that he erred in some details.

One point in Peter Martyr is worthy of notice. What is meant by 'coactus"? It can hardly mean, compelled by the ice, as it follows immediately on the statement that the sea was clear. I am inclined to think that it must mean, compelled by the mutiny of his crew, who refused to go farther into the world of icebergs and perpetual day.

6. Lopez de Gomara, a Spanish writer, in his "History of West Indies," published in 1554, states that Sebastian Cabot, a Venetian, with two ships and three hundred men, supplied, some say, by himself, some, by the king, sailed in quest of Cathay and the Spice Islands, and that in July he reached 58 degrees, where daylight lasted eighteen

hours. The cold and the strangeness of the land prevented his going farther, and he followed the coast southward to 38 degrees. This statement evidently adds nothing of importance to our knowledge.

7. Finally, we have a statement in the book of Robert Thorne, referred to in my text, p. 36, where the writer states that his father and Hugh Eliot, another Bristol merchant, "discovered the Newfoundlands," etc.; "if the mariners would have been ruled and followed their pilot's mind the West Indies, from whence all the gold comes, had been theirs." This may refer to one of the voyages made before 1500, but it is equally possible that it refers to the abortive voyage of Pert and Cabot in 1517.

Writers later in the century, like Gilbert and Willes, carry no special authority with them. They may have borrowed from one another or from a common source; still, a consensus on any one point among all the well-informed writers of the age is of value as confirmatory evidence.

I propose now to apply the aforesaid authorities to the points in dispute.

I. As to Sebastian Cabot's birthplace.

For the confusion about Cabot's birthplace he is himself responsible. The testimonies on the subject are these:

1. Stow's statement, quoted above.

2. A perfectly explicit statement by Cabot's friend Eden: "Sebastian Cabot told me that he was born in Bristol."

As against this we have Cabot's own statement made to the Venetian senate that he was born in their city. This statement was made when he was applying for employment under the Republic. Now, on the one hand, we have no motive for the statement made by Stow and Eden beyond, perhaps, the slight and vague one of claiming the great navigator for a countryman, while, on the other hand, we have a very obvious motive for deception on Cabot's part. It is easy to see how Cabot might have expected his statement to be believed. If he had spent his childhood at Venice the fact of his birth in England might well have been obscured and forgotten. The error about Cabot's birthplace has doubtless been confirmed by a mistake of Hakluyt's in translating the passage from Peter Martyr. Martyr calls Sebastian "genere Venetus." Hakluyt translates this "a Venetian born." Clearly it means a Venetian by extraction, and is exactly the phrase which would be used to describe the case of a Venetian citizen born in a foreign country.

In connection with this subject it should be noticed that Mr. Nicholls has extracted from the Venetian Archives the decree of naturalization for John Cabot. This is important as throwing light on Stow's statement. Stow states two facts concerning Sebastian Cabot's origin. 1. That his father was a Genoese. 2. That Sebastian was

born in Bristol. The Venetian decree makes in favor of the first statement. Eden positively confirms the second. This appears to me to be a most satisfactory testimony to Stow's value as a witness on the Cabotian question generally.

Mr. Nicholls furthermore endeavors to deduce from the Venetian decree evidence of Sebastian Cabot's age. He assumes that the time of Sebastian being taken to Venice must have been identical or nearly so with that of his father's naturalization. I confess I cannot see the force of this. Why may not John Cabot have lived at Venice as an alien before his naturalization? The only point certain seems to me to be this, that Sebastian cannot have been born *later* than 1472. This and the fact that he was alive, though very old, in 1556 are the only dates we have from which to conjecture the date of his birth.

II. The number of voyages made from Bristol by Cabot between the discovery of America by Columbus and the end of the century. This is an intricate question, and one on which later historians have got into much confusion.

Two voyages, one in 1497, the other in 1498, appear to me to rest on perfectly clear evidence. Pasqualigo's letter and the patent of 1498 clearly prove the former, and the Bristol MS. confirms them. Stow proves the latter. Moreover, the extract from the Privy Purse Expenses shows that some voyage of discovery was made in 1497. Is it likely that if any other English seaman had made an important discovery we should hear nothing more of it? So, too, the following extracts from the expenses of 1498, as well as the patent of that year, plainly connect the discovery of 1497 with a subsequent trading voyage:

"To Lanslot Thirkell of London upon a prest for his ship going towards the new Island, 2*l.* 22d of March, 1498.

"Delivered to Lanslot Thirkell going towards the new Isle, a prest 20*l.*

"To Thomas Bradley and Lanslot Thirkell going to the New Isle 30*l.* April 1st, 1498."

These extracts also tally with Stow's statement that the voyage of 1498 was made to an island which Cabot "knew to be replenished with rich commodities."

It is evident, too, that the voyage described by Pasqualigo was simply one of discovery, to be followed by another for trading purposes. Besides Stow's evidence for the voyage of 1498 we have a confirmatory statement in Bacon's "Life of Henry VII." He repeats Stow's statement, identifying the voyage of 1498 with that in which Cabot sought for a northwest passage and actually reached 67½° north latitude. Bacon's statement, it is true, is not contemporary evidence, and was probably borrowed from Stow, or rather from Fabian. Still, Bacon is hardly likely to have accepted Stow's statement without

some confirmatory evidence. I hold then that we are fully justified on the evidence in assuming two voyages as described in the text.

We now come to a more difficult question, the alleged voyage of 1494, resting solely on the evidence of the Paris map. Messrs. Bryant and Gay boldly cut this Gordian knot by supposing IV. to be a misprint for VII., and I am strongly inclined to agree with them. The main evidence in favor of that view is the improbability that this one isolated notice would be the only remaining evidence of so important a voyage. Would no English chronicler have noticed it, and should we find no reference to it in the Venetian Archives? Should we have such definite though scanty knowledge of Sebastian Cabot's discovery of 1497, while only one doubtful record remains of a far more remarkable voyage three years earlier? Again: it is clear that the note accompanying the Paris map and that accompanying Clement Adams's map cannot both stand. If one is right, the other must be wrong, The Paris map has no independent evidence in its favor. Clement Adams's statement we know to be in part true. Cabot unquestionably made a voyage in 1497, though he may not have discovered Newfoundland on St. John's day in that year. Of course it it is just possible that Clement Adams, or whoever appended the note to his map, and also the Bristol chronicler, quoted by Mr. Barrett, may both have known that Cabot made a voyage of discovery in 1497, and that they may have confused the two voyages and transferred the day of discovery, which belonged to the earlier voyage, to the later. But if we must deal in a hypothesis, that put forward by Messrs. Bryant and Gay seems to me to be simpler and more probable.

On the other hand, Mr. Nicholls has brought forward one strong point in favor of accepting the Paris record. He points out that the entry in the Privy Purse Expenses is dated August 10. Is it likely, he asks, that Cabot could have discovered land on the 24th of June, could then have sailed four hundred leagues as recorded by Pasqualigo, and been back in England by the 10th of August? The other arguments urged by Mr. Nicholls have, I think, far less weight. He notices that Pasqualigo describes Cabot as skillful in discovering new islands. This Mr. Nicholls says implies previous success in that line. To my mind it need mean no more than that Cabot was a scientific navigator. Pasqualigo also speaks of the discovery as two *new* islands, which Mr. Nicholls thinks implies that Cabot had before discovered some other islands. Surely it is more reasonable to suppose that "new" simply means unknown before. If it must refer to any other recently-discovered lands, why not to those explored by Columbus?

Altogether, I think the voyage of 1494 must be an open question, though the probabilities are against it.

III. As to the extent of Cabot's discoveries, Mr. Biddle appears to

me to be perfectly correct in his view, that they reached at some time or other to 67½° north latitude. That statement is made by Ramusius on the authority of Cabot himself, it is confirmed by three well-informed writers, Bacon, Gilbert, and Churchyard (the author of "A Praise and Report of Martin Frobisher's Voyage to Meta Incognita," London, 1578), and no counter-theory seems to rest on any good ground. A far more difficult question, and one that in my opinion admits of no final solution, is to say in which of his voyages Cabot accomplished this. It is evident that none of his historians clearly grasped the fact of his having made two voyages, and consequently it is impossible to say how far their accounts apply to each respectively. In fact, it seems to me pretty clear that each writer assumed that there was only one voyage, and attached to it all the incidents which he had heard of in connection with a voyage of Cabot to the northwest seas. Indeed, it does not seem certain that the voyage of 1517 has not been confused with the earlier ones. The mutiny referred to by Ramusius might very well be identical with the failure caused by the "faint heart" of Sir Thomas Pert; and if this be so, it may possibly have been in that voyage that Cabot reached 67½°.

IV. The parts played by John and Sebastian Cabot respectively. On this part a good deal of confusion has arisen, chiefly owing to the substitution of John for Sebastian in Hakluyt's later account. Mr. Biddle has, I think, clearly traced the process of this change. There can be little doubt that he is right in supposing that between his first and second publication Hakluyt discovered the patent of 1498, and was led by it to substitute the name of John for that of Sebastian. At the same time Mr. Biddle attacks Hakluyt with an amusing degree of anger as though he had deliberately falsified evidence in order to rob Sebastian of his deserved glory. We must remember what Hakluyt's position and object were. He was not an antiquary devoting studious care to the elucidation of minute points. His object was not so much to produce a work of detailed exactness as to stimulate his countrymen by a vivid and comprehensive picture of those great discoveries which were transforming the face of the world. It is just possible that Hakluyt had some valid ground for inserting John's name where his original authority, Stow, had placed Sebastian, but it was far more probably, as Mr. Biddle supposes, a mistake. The only other writer who specially connects John Cabot with the discoveries is Pasqualigo. He may possibly have dwelt from choice on the success of the Venetian John rather than of the Englishman Sebastian, but it is more likely that he simply took him as, in modern phrase, the head of the firm. In all probability Fabian and the writers of the next generation were right in assigning the credit of the discovery to Sebastian. But even if John took part in the voyage of 1497, we may safely assume, from the consensus of all authorita-

tive writers in the next generation, that the son held a conspicuous place and was at the very least an able assistant, not, as some later writers have thought, a mere lad suffered to accompany the expedition.

APPENDIX D.

The Contractation House at Seville, p. 33.

Hakluyt, in his fourth volume, gives a minute account of the Contractation House, taken in part from the statement of a Spanish prisoner. As I have said in the text, the functions of this body were twofold. It instructed, examined, and commissioned pilots, and it inspected ships. Any seaman who wished to become a pilot went in the first instance to the master-pilot of the kingdom, who, with the assistance of other licensed pilots, put him through a preliminary examination. If this was satisfactory, and if the candidate was a born Spaniard, he was allowed to attend a course of lectures on navigation. The class consisted of about fourteen, and studied for four hours a day, partly listening, partly discussing. After a two months' course the candidate was examined by a board of twenty-five pilots, who tested his skill in navigation and his special knowledge of some one portion of the American coast. The examination in the practical details of seamanship was a severe one. If the candidate passed he obtained a pilot's license.

The inspection of vessels was conducted by four visitors, appointed by the king, and the system of inspection was prescribed by the rules of the Contractation House. No vessel was allowed to sail independently, but a fleet went out together as an organized body, headed by an admiral. The lading, the provisions, the ordnance, and all the ship's furniture were minutely inspected, and the names of the crew all registered. Furthermore, a notary accompanied every ship to keep a minute account of all merchandise put on board. Such a method might, like all highly-organized systems, do something to weaken independence, energy, and self-reliance, but the evils which English navigation suffered from the total absence of any such control are written on every page of Hakluyt's writings.

APPENDIX E.

Captain John Smith, p. 101.

Public opinion as to the literary and personal character of Smith has undergone more than one change. In his own lifetime there

seems to have been a natural tendency to doubt whether such astounding episodes of active heroism and of endurance, and such a rapid series of romantic adventures could be compressed into the career of one man before he had reached middle life. But since the origin of anything like a school of indigenous literature in America down to recent times, Smith seems to have been taken at his own estimate. This was partly due, no doubt, to the firm belief in him entertained by Stith, and partly to reluctance to strip a somewhat dry and prosiac portion of history of the chief among its few romantic episodes. In our own day, however, more than one writer has exposed Smith's story to the full light of historical criticism, much to the detriment of its credibility if not to that of the hero's character. The writers who have dealt most severely with Smith are, Mr. Neill, in his "History of English Colonization," and the author of an article (commonly ascribed, I believe, to Mr. Charles Adams) in the "North American Review" for January, 1867. On the other hand, the late Mr. Palfrey, in the introductory portion of his "History of New England," and Mr. Coit Tyler, in his "History of American Literature," take a more lenient view. Each of these writers, while admitting what, indeed, can hardly be questioned, the untruth and extravagance of many portions of Smith's story, have at the same time taken on the whole a favorable view of the writer's character. I may add that I had completed the greater part of this volume before Mr. Tyler's work appeared, and I was delighted to find my estimate of Smith's character confirmed by so judicious and able a writer.

Before discussing the truth of Smith's adventures as told by himself we must clearly distinguish between the two branches of the inquiry: 1. The credibility of certain portions of Smith's story. 2. The personal character of Smith himself. As to the first, I hardly imagine that any one will now endeavor to uphold the truth of the most striking and best remembered episode in Smith's own story, his captivity among the Indians and his rescue by Pocahontas. This matter has already been touched on in my narrative. Perhaps the case will be best understood if we place before us the three narratives bearing Smith's name. These are the "True Description," written in 1608; the "Map of Virginia," written in 1612, and the "History," written in 1624. For convenience I will call them A, B, C in order of time. A. is the only one of the three for which Smith is exclusively responsible. B. must be looked on as two distinct works: 1. A description of the country and people by Smith. 2. A series of narratives in the nature of depositions, written by colonists and other persons interested in Virginia, and tagged together without any care to harmonize them into a connected whole. In many places B. is a mere epitome of A. C., like B., consists partly of Smith's own statements, partly of depositions.

The two short expeditions made by Smith before that in which he was taken prisoner are told in all three without any substantial difference. The divergency begins when we come to the account of Smith's captivity. The account in A. is that given in my text. That in B. is an abridgment of A. This is signed by Thomas Studley. The account in C. is an independent story altogether, introducing for the first time the romantic episodes mentioned in p. 120. This account is signed by Thomas Studley, Robert Fenton, Edward Harrington, and John Smith.

The case then is simply this. Smith wrote two accounts of his captivity, the second a full one. In neither is a word said of his danger. In a third account published twelve years later, he introduces the romantic episode of his threatened execution and his rescue by Pocahontas. We cannot suppose that in the earlier accounts, either through haste or for brevity's sake, he suppressed these details. The whole account of his reception and treatment by Powhatan is inconsistent with the idea of his having ever been in any danger. Of course it is not absolutely impossible that the later and more romantic story may be the true one, but most readers will agree with me that such a hypothesis is most improbable. One of the two stories, either the earlier one or the later, is untrue. It is difficult to see any motive in the first instance either for the suppression of truth or the invention of falsehood. On the other hand, the motives for the later invention are obvious. Pocahontas had then become an accepted heroine in American history, the one personage in the annals of the Virginian colony to whom something of romance attached, and she served as a sort of ready-made centre around whom any picturesque legends might group themselves. It is clear, too, that Smith delighted in depicting himself, not, indeed, wholly without truth, as a modern knight-errant, the lover of high-born ladies, alternately the conqueror and the captive of giants and oppressors. As between the stories we can hardly doubt that the earlier is the plain unsophisticated statement of truth, and the latter a romance. It must be noticed, too, that the incident of Smith's execution, although the most conspicuous instance of discrepancy between his earlier and later stories, is not the only one, and that in every case the later version is the more romantic.

Thus the expedition described in p. 122 is told originally in the narrative of 1612, and signed by Nathaniel Powell and Annas Todkill. In the later work it appears, with various romantic episodes added, and signed by the same names, and in addition, by that of Anthony Bagnell. This tendency to amplify and embellish is specially noteworthy in all incidents where Pocahontas figures. Thus in describing a trading visit to Powhatan, B. tells us simply that the English became suspicious and made off by night. According to C.

they were warned by Pocahontas that some injury was intended. B., in describing a sort of ceremonial visit paid to Smith by a number of Indian women, says nothing of Pocahontas. C. assigns her the principal place.

There is also a passage in B. which I think has an important bearing on the question. Smith there says: "Some prophetical spirit calculated he had the savages in such subjection he could have made himself a king by marrying Pocahontas, Powhatan's daughter. It is true that she was the very nonpareil of his kingdom. Very often she came to our fort with what she could get for Captain Smith that ever loved and used all the country well, but her especially he ever much respected, and she so well requited that, that when her father intended to have imprisoned him, she by stealth in the dark night, came through the wild woods and told him of it." Is it likely that, if the story of Smith's rescue were true, it should not have appeared here in what may be regarded as Smith's formal panegyric on the heroine of it?

After this it may seem almost a paradox to attempt to defend the personal character of Smith. Nevertheless, I believe that if we consider the circumstances of the case and the canons of the age as to historical truth, we shall find it possible to reject Smith's story without setting down its hero and author as an impostor. In the first place, some weight must be attached to Mr. Palfrey's plea that Smith was not wholly, perhaps not mainly, responsible for the work to which his name is appended. To some extent this is apparent on the face of the work. It may well be, as Mr. Palfrey thinks, that Smith's adventures fell into the hands of hack writers who embellished them in accordance with the taste of the age. If this be so, the earlier and simpler story is Smith's own version, the later an invention to which he merely lent his name. Yet it must be remembered that Smith made himself responsible for the story of his rescue by accepting it in a letter addressed by him to Queen Anne, the substance of which appears in the "History," p. 121. But even if we reject Mr. Palfrey's explanation, it would be unfair to judge the culpability of Smith's inventions by the standard of a later age. No one thinks Herodotus a liar because he relates in minute detail conversations which no man could have remembered. The latter half of the sixteenth century, and in a less degree the age that followed, was a time of intoxication and bewilderment. America and all that related to it were seen through an atmosphere of romance and enchantment. A man like Smith may well have approached the history of Virginia not in the sober attitude of an annalist, but in the frame of mind in which Shakespeare dealt with the chronicles of England, in which Scott embellished the exploits and glorified the heroes of the Forty-five. The other independent evidence of Smith's character has

been well discussed by Mr. Palfrey. He laboriously tested Smith's own account of his adventures in eastern Europe by comparison with independent authorities, and on the whole with a favorable result. He also pointed out that ten years later Smith stood high in the favor of Gorges and others connected with the colonization of New England. No impostor or mere adventurer, however plausible, could have held the position that Smith did and retained the good opinion of competent judges.

One odd, though natural, mistake occurs in Mr. Palfrey's account of Smith. He says that Smith found his way to Tattersall's, in London, drawn thither probably by his love of horses. The "Tattershall" of Smith's story was a place in Lincolnshire, the country-seat of the Earl of Lincoln. The better known "Tattersall's" did not come into being till Smith had been in his grave for more than a century.

INDEX.

ABB.

ABBOTT, Jeffreys, a rebel in Virginia, 141.
Adams, Clement, his writings, 41.
African Company, the Royal, incorporation of, 386.
Albemarle, Duke of, a Proprietor of Carolina, 329.
— River, in North Carolina, 63, 331.
— Point, in South Carolina, 355.
Alexander, Sir William, supports Clayborne, 295.
Alvarado, Luys Moseoso de, a Spanish explorer, 81.
America, general character of the continent, 6.
Americans, *see* Indians.
Amidas and Barlow, voyage of, in 1584, 56.
Andros, Sir Edmund, Governor of Virginia, 272.
Annapolis constituted a city, 325.
Ann Arundel, Puritan settlement at, 304, 315, 320.
Apomatock Indians, 142.
Archdale, John, Governor of Carolina, 364.
Archer, a councilor in Virginia, 118, 121.
Argall, Samuel, 134; his attack on the French colonies, 148; appointed Deputy Governor of Virginia, 155; his misconduct and deposition, 157.
Arlington, Lord, grant of land to, in Virginia, 239.
Ashley, *see* Shaftesbury.
Assembly, the first, held in Virginia, 158; formation of, in Maryland, 286 *et seq.*
Atlantic, the coast contrasted with the Pacific, 6.
Ayllon, Lucas de, kidnaps Indians, 78.

BRI.

BACON, Nathaniel, 245; his reforms, 247; his rebellion, 248, 341; his scheme of separation, 250; his death, 253.
"Baconists" in Maryland, 317, 342.
Baltimore, *see* Calvert.
Barbadoes sends settlers to Carolina, 351, 357.
Bargrave, Captain, 172.
Barlow and Amidas, voyage of, in 1584, 56.
Bennet, Governor of Virginia, 223.
Berkeley, Sir William, Governor of Virginia, 207; surrenders to the Parliamentary Commissioners, 222; reappointed Governor of Virginia, 228; his rapacity, 236; war against Bacon, 251; deposition and death, 257; a Proprietor of Carolina, 329; his policy there, 332.
Bermudas, discovery of, 130.
Beverley, Robert, 254; his attempt at rebellion, 261.
— the younger, the historian, character of his work, 230, *note*.
Biencourt, 148, 150.
Birkenhead, his plot in Virginia, 233.
Blair, James, 269; founds the College of William and Mary, 272; President of it, 273.
Blake, Governor of Carolina, 365.
Blakiston, temporary Governor of Maryland, 324.
Boon, agent for the South Carolina Nonconformists in England, 371.
Bray, Thomas, 326; procures the establishment of the Church in Maryland, 326.
Brazil, voyages to, 34; Huguenot colony in, 89.
Brewster, Captain Edward, 157.
Bristol, connection of, with American discovery, 22; kidnapping prevalent in, 385.

BUT.

Butler, Captain Nathaniel, 171.
Burrough, Stephen, 38.
Byrd, Colonel William, of Virginia, 348.

CABOT, John, 23.
— Sebastian, 23, 399–406; his first voyage, 24; second voyage, 25; becomes Grand Pilot, 37; his death, 38.
Calvert, Sir George, first Lord Baltimore, attempts to settle in Newfoundland, 277; emigrates to Virginia, 195, 279; his death, 281.
— Cecilius, second Lord Baltimore, his character and policy, 281, 312; his death, 315.
— Charles, third Lord Baltimore, succeeds to the Proprietorship, 315; implicated in the murder of Rousby, 318; deprived of his Proprietorship, 321.
— Leonard, Governor of Maryland, 283; his death, 303.
— Philip, Governor of Maryland, 310, 313.
Canada, French settlements in, 85 *et seq.*, 145 *et seq.*
Cape Fear, settlement at, from New England, 331; from Barbadoes, 351.
Cardross, Lord, his settlement at Port Royal, 358.
Carlile, his scheme for colonization, 54.
Carolina, grant of, in 1663, 329; previous grant to Sir Robert Heath, 330; origin of name, *ib.*; different settlements in, 331; "Fundamental Constitutions," 334–38; definitely divided into North and South, 343.
— North, early constitutional history of, 332; rebellion of 1678, 340; rebellion of 1711, 343; dealings with Indians, 345; general condition, 348; war with Tuscaroras, 347; becomes a crown colony, 350.
— South, first settlement of, 352; various immigrations into, 357; slavery in, 359, 385, 389, 391; disputes between settiers and Proprietors, 366; social and industrial condition, 372, 394; war with Yamassees, 373; overthrow of Proprietary Government, 379.
Carteret, Palatine of Carolina, 377.
Cartier, Jacques, first voyage of, in 1534, 84; second voyage in 1535, 85; third voyagê in 1540, 87.

CUL.

Cary heads a rebellion in North Carolina, 344.
Cavendish, Lord, a leading member of the Virginia Company, 177.
Champlain, Samuel, 146.
Chancellor, Richard, his voyage, 38.
Charles I., his colonial policy, 188.
Charles II., the colonies under, 230, 329; his grants of land in Virginia, 238, 239; his grant of Carolina, 329.
Charlestown, capital of South Carolina, 355; moved to Oyster Point, 356; its importance, 356, 395; siege of, 368.
Cheeseman, Colonel, one of Bacon's followers, 254.
Chichely, Sir Henry, 258.
Chickahominy Indians, 144, 154.
Chowanock Indians, 63.
Clay, Henry, 284.
Clayborne, William, 89; intrigues against Maryland, 292; his scheme of fur trade, 295.
Coligny, Admiral, attempts to found a settlement in South America, 88.
College of William and Mary, establishment of, 270.
Colleton, Governor of South Carolina, 362.
Columbus, Bartholomew, visits the English Court, 20.
Commonwealth, colonial policy of, 212.
Conformity Bill in South Carolina, 371.
Constitutions, Fundamental, *see* Carolina.
Contractation House at Seville, functions of, 33, 407.
Coode, conduct of, in Maryland, 319.
Copland, Patrick, a missionary, 163; sermon by, 167.
Copley, Governor of Maryland, 323.
Corn, exportation of, from Virginia, 205; from Maryland, 300.
Cornwallis, a councilor in Maryland, 286, 289, 303.
Crashaw, William, his sermon on Virginia, 133.
Craven, Lord, Palatine of South Carolina, 372.
— Charles, Governor of North Carolina, 372.
Culppeper, Thomas, Lord, grant of land to, in Virginia, 239; appointed Governor of Virginia, 259; deprived of his office, 263.
— John, heads a rebellion in North Carolina, 341.

DALE, Sir Thomas, High Marshal of Virginia, 137; his government, 138; death, 152.
Delaware, Lord, 123; appointed Governor of Virginia, 129; arrives in Virginia, 133; death, 155.
Doeg Indians, 243.
Donnacona, Indian chief, 85.
Drake, Sir Francis, helps the settlers in Virginia, 67.
Drummond, William, joins Bacon's rebellion, 252; his execution, 254; Governor of North Carolina, 333.
Durant, George, 341.
Dutch attack on Virginia, 234.

EAST India Company, formation of, 108.
Eastchurch, Governor of North Carolina, 340.
Eden, Richard, 39; his writings, 41.
Edenton, capital of North Carolina, 350.
Edisto, in South Carolina, attacked and plundered by the Spaniards, 358.
Effingham, *see* Howard.
Eliot, Hugh, of Bristol, 26, 27.
Elizabeth, Queen, supports Stukeley, 43; names Virginia, 57; her death, 107.
Evelyn, Captain, Governor of the Isle of Kent, 294.
Exclusion Bill, disputes about, in Maryland, 317.

FELONS, transportation of, *see* Slavery.
Fendall, his intrigues in Maryland, 310; his trial and sentence, 313.
Ferrar, John, Deputy Treasurer to the Virginia Company, 158; arrested, 177.
— Nicholas, 163, *note*, 173; elected Treasurer of the Virginia Company. 174; attempts of the Court to seduce, 177.
Five Nations, *see* Iroquois.
Florida, Stukeley's scheme for a colony in, 42; French colony in, 90; destroyed by the Spanish, 96; invasion of, by the English, 366; second invasion, 368.
France, position of, in colonization, 82.
French, *see* Canada and Huguenots.
Frobisher, Martin, 45.

GASCOIGNE, George, publishes Gilbert's "Discourse," 46.
Gates, Sir Thomas, member of the Virginia Company, 109; Governor of Virginia, 141.
Gerrard, Sir Thomas, trades with Guinea, 37; purchases Gilbert's patent, 48.
Gilbert, Sir Humphrey, 43; his scheme for a Northwest Passage, 44; his first voyage, 47; second voyage, 48; his return and death, 51.
Gondomar, the Spanish ambassador, intrigues against Virginia, 165, 170.
Gorges, Sir Fernando, 110.
Gosnold, Bartholomew, discovers the passage to America by the Azores, 105; his death, 119.
Gourgues, Dominic de, attacks the Spanish settlers in Florida, 98.
Grafenried, Christopher de, founds a settlement of Germans in North Carolina, 346.
Granganimeo, 57.
Grenville, Sir Richard, 59; his second voyage to Virginia, 69.
Gresham, Sir Thomas, encourages navigation, 33.
Guinea, voyages to, 36.

HAKLUYT, Richard, his writings, 106, 397; furthers American discovery, 107; a leading member of the Virginia Company, 109.
Hamor, Ralph, his visit to Powhatan, 145.
Harte, Governor of Maryland, 326.
Harvey, Governor of Virginia, 191; disputes with the settlers, 194; insurrection against, 197; arrested and sent to England, 197.
Hawkins, Sir John, exports negroes from Guinea, 37; helps the French settlers in Florida, 93.
— William, his voyages to Brazil, 34.
Heath, Sir Robert, his patent for Carolina, 330.
Henry VII., patents granted by, 26.
— VIII., encourages navigation, 32.
Heriot, Thomas, 62.
Hill, Colonel, 254.
Hochelaga, Indian city of, 85.
Holt, Chief Justice, his opinion on the case of Maryland, 321.
Hore's voyage in 1536, 31.
Howard of Effingham, Lord, Governor of Virginia, 263.
Huguenot settlers in South America,

HYD.

88; in Florida, 89; in South Carolina, 357, 362.
Hyde, Governor of North Carolina, 344.

"INDIANS," origin of name, 9, 397; habits and character, 11 *et seq.*; influence on the settlers, 16; first meeting with the English, 61; hostilities with, 70; Spanish attempts to enslave, 76; attempts at conversion in Virginia, 163; wars with in Virginia, 167, 209, 242; legislation on behalf of, in Virginia, 241; friendship with the settlers in Maryland, 301; occasional hostility, 301; war with, in North Carolina, 345; attempts to enslave in South Carolina, 359; war with, in South Carolina, 373; succession among, 398.
Ingle, Richard, his attack on Maryland, 302.
Iron, attempts to work, in Virginia, 162, 163, 193.
Iroquois, or Five Nations, 12, 13; joined by the Tuscaroras, 348.

JAMES I., his colonial policy, 111; dealings with the Virginia Company, 165, 170, 179, 181, 188.
Jamestown, settlement at, 116; accidentally burned, 121; burned by Bacon, 252.
Japazaus, an Indian chief, betrays Pocahontas to Argall, 143.
Jefferson, Thomas, his view of Virginia life, 392.
Jeffreys, Herbert, commissioner in Virginia, 255; his death, 258.
Jeoffry, Jeoffry, agent for Virginia in England, 272.
Jesuits, their settlement in Canada, 147; their influence in Maryland, 316.
Johnson, Sir Nathaniel, Governor of South Carolina, 368.
— the younger, Governor of South Carolina, 376, 377.
— Alderman, a leading member of the Virginia Company, 158, 165, 178.

KEMP, Richard, Secretary to the Council in Virginia, 202, 207.
Kendal, a mutineer in Virginia, 119.
Kennebec River, the exploration of, 108.

MAR.

Kent, Isle of, disputes about, 196, 284, 291, 294.
Kussoes, an Indian tribe in South Carolina, 360.

LABADISTS, in Maryland, 315.
Land tenure, system of, in Virginia, 187; in Maryland, 285; in Carolina, 333, 335.
Lane, Ralph, his career, 59; his proceedings in Virginia, 60.
Laudonnière, René, his colony in Florida, 91.
Lawrence, Sir Thomas, a councilor in Maryland, 324.
Lawson, John, murdered by Indians, 346.
Leon, Juan Ponce de, a Spanish explorer, 77.
Lery, Baron of, his colony, 84.
Locke, his legislation for Carolina, 335.
Lok, Michael, supports Frobisher, 46.
Ludwell, Philip, Secretary to the Governor and Council in Virginia, 237, 238; sent as a commissioner to England, 240; opposes Lord Howard, 264; becomes Governor of Carolina, 363.

MACE, Samuel, his voyage, 104.
Mandans, an Indian tribe, peculiarities of, 13.
Mangoaks, an Indian tribe, 64.
Manteo, an Indian, 59; baptism of, 71.
Martin, Richard, acts as the advocate of the Virginia Company before Parliament, 150.
— a Virginian settler, 159.
Maryland, character of its history, 275; grant of, 280; charter, 281; opposed by the Virginians, 195, 282, 292; first settlement, 283; constitutional development, 286 *et seq.*; industrial and economical condition, 284, 299, 315; dealings with Indians, 301; civil war, 302; establishment of Parliamentary authority, 305; further hostilities, 309; restoration of the Proprietor, 312; Fendall's intrigues, *ib.*; Jesuits in, 315; the Revolution, 319; deprivation of Baltimore, 321; governorship of Nicholson, 324; establishment of Anglicanism, 326; restoration of the Proprietorship, 327.

MAS.

Massacre by Indians, first, in Virginia, 167 *et seq.*; second, 209; in South Carolina, 374.
Matthews, Samuel, a leading Virginian, 189, 197, 198, 201.
Menatonon, an Indian chief, 64.
Menendez, Pedro de, his expedition against the French in Florida, 95 *et seq.*
Merchant Adventurers Company, 38; negotiations with Gilbert, 44.
Middlesex, Lord Keeper, intrigues against the Virginia Company, 174.
Miller, collector in North Carolina, 341.
Mitchell, Lewis, 346.
Moore John, Governor of South Carolina, 366.
— James, 347, 368, 379.
Moratoc River, exploration of, 64.
Moraughtacund Indians, Smith's dealings with, 123.
Moryson, agent for Virginia in England, 240; sent out as a commissioner, 255.

NANTICOCK Indians, hostilities with Maryland, 306.
Narvaez, Pamphilo de, a Spanish explorer, 78.
Navigation, before the fifteenth century, 18; condition of, in England, 20; its progress, 32 *et seq.*; rapid development in the reign of Elizabeth, 41; literature of, *ib.*
— Act, passed by the Long Parliament, 212, 224; re-enacted after the Restoration, 233.
Necottowance, an Indian chief, submits to the English, 210.
Negroes, first introduction of, 385; increase of, *ib.*; attempts to check their importation, 388; special legislation for, 389; difficulties as to their baptism, 391.
Nemattananow, an Indian, murders an English settler, and is put to death, 168.
Newfoundland, discovered by Cabot, 24; importance of the fisheries, 34; Gilbert touches at, 51; granted to Lord Baltimore, 277.
Newport, Christopher, 112; his explorations in Virginia, 117; his second voyage to Virginia, 121.
Nicholson, Francis, Lieutenant-Governor of Virginia, 266; his comprehensive views on colonial affairs, 267; Governor of Maryland, 324;

POT.

attacks on his private character, 325; charges of Jacobitism, *ib.*; Governor of South Carolina, 379.
Nonconformists, in Virginia, 215; in Newfoundland, 278; in Maryland, 304, 315, 325; in South Carolina, 370.
Northeast Passage, Cabot's project for, 37.
Northwest Passage, Gilbert's project for, 47.
"Nova Britannia," a pamphlet on Virginia, 126.

OKISKO, an Indian chief, submits to the English, 66.
Opechancanough, brother of Powhatan, unfriendly to the English, 120; instigates the first massacre, 168; and the second, 209; his death, 210.
Opitchapan, brother of Powhatan, 168.
Oyster Point, *see* Charlestown.

PACIFIC, the coast contrasted with the Atlantic, 6.
Palatines, settlement of, in North Carolina, 346.
Peckham, Sir George, purchases Gilbert's patent, 48; his pamphlet on colonization, 52.
Pembroke, Earl of, trades to Guinea, 37.
Percival, agent for Shaftesbury in South Carolina, 361.
Percy, a leading settler in Virginia, 134.
Pert, Sir Thomas, 29.
Pocahontas, daughter of Powhatan, her alleged rescue of Smith, 120, 409; friendship for the English, 130, 410; captured by Argall, 143; her baptism and marriage, 143; arrival in England, 152; her death, 153.
Port Royal, in Canada, settled by the Jesuits, 147; destroyed by Argall, 148.
Port Royal, in South Carolina, occupied by the English, 355; abandoned by them in favor of Charlestown, 355; occupied by the Scotch settlers under Lord Cardross, 357; attacked by the Spaniards, 358.
Pory, John, 164.
Potomac River, exploration of, 122.
Pott, Dr., Deputy Governor of Virginia, 195.

POU.

Poutrincourt, Baron of, 147; destruction of his colony, 148.
Powhatan, Indian chief, captures Smith, 119; dealings with the English, 120; crowned by the English, 124; intrigues against them, 130; Hamor's visit to, 145; his death, 168.
Prado, Albert de, his voyage in 1527, 30.
Pring, his voyage to Virginia, 107.
Puritans, *see* Nonconformists.

QUAKERS, in Maryland, 315, 317, 327; in North Carolina, 344.
Quarry, Colonel, Deputy Governor of Maryland, 320.
Quit-rents in Virginia remitted for seven years, 187; dispute about, 271; in Maryland, left to the Proprietor after the Revolution, 323.

RALEIGH, Sir Walter, helps Gilbert, 48; his own attempts at colonization, 56; his second colony, 69; attempts to relieve his colonists, 72, 107; disposes of his interest in Virginia, 73.
Ratcliffe, a leading Virginia settler, 112, 119, 121, 123, 129; killed by the Indians, 132.
Ribault, Jean, his settlement in Florida, 90; its destruction, 97; his death, 98.
Rice, introduction of, into South Carolina, 372.
Rich, Lord, *see* the Earl of Warwick.
Roanoke, first English settlement at, 61; second settlement, 70.
Roberval, Sieur de, his settlement in Canada, 87.
Roche, Baron de la, his settlement in Canada, 146.
Roe, Sir Thomas, 165.
Rolfe, John, marries Pocahontas, 143.
Rousby, murder of, in Maryland, 318.
Russia, voyages to, 37.
Rut, his account of the voyage in 1527, 30.

ST. AUGUSTINE, in Florida, first settlement of, 97; attacked by the English, 367.
Sandford, Robert, his exploration of Carolina, 352.
Sandys, Sir Edwin, member of the Council for Virginia, 110; his influence in the Company, 156, 165; elected Treasurer, 158.

SOU.

— George, brother of Sir Edward, acts as agent for the Virginian Assembly in England, 200; a place-hunter, 206.
Satouriona, an Indian chief in Florida, 92.
Sayle, William, the first Governor of South Carolina, 352; his death, 355.
Servants indented in Virginia, 187, 381. *See* Slavery.
Shaftesbury, one of the Proprietors of Carolina, 329; his energy, 361; attempts a settlement of his own, 361.
Sickelmore, *see* Ratcliffe.
Silk, production of, in Virginia, 162, 234; in South Carolina, 357.
Skene, Alexander, 377.
Slavery. Felons employed as slaves, 195, 382; Indians enslaved in South Carolina, 359; slaves supplied by kidnappers, called "spirits," 383; legislation about, 385; superseded by negro slaves, 386; attempts to limit by law, 388; moral feeling about slavery, 389; status of the slave as determined by law, 390; proportion of slaves in the different colonies, 391; social and economical results of slavery, *ib.*
Smith, Captain John, his writings, 101, *note*, 410; his adventures and character, 115; captivity among the Indians, 119, 410; President of Virginia, 122; returns to England, 131.
— Sir Thomas, buys a share of Raleigh's grant, 72; member of the Council for Virginia, 110; Treasurer of the Virginia Company, 127; suspected of dishonesty, 142, 164; superseded by Sandys, 158; his opposition to the Company, 175.
Smith, agent for Virginia in England, 240.
Smyth, Governor of Carolina, 364.
Somers, Sir George, 109; discovers the Bermudas, 130; arrives in Virginia, 132; his death, 136.
— Matthew, 136, 172.
— Islands, *see* Bermudas.
Sothel, Governor of North Carolina, captured by Algerines, 342; his misconduct in North Carolina, 343; appears in South Carolina, 363.
Soto, Hernando de, Spanish explorer, 79; his failure and death, 81.
Southampton, Earl of, sends ships to

Virginia, 105, 108; elected Treasurer of the Virginia Company, 166; preserves the archives, 181.
Spelman, Henry, prisoner among the Indians, 162.
Spotswood, Governor of Virginia, attempts to mediate during the rebellion against Hyde, 345.
Stafford, Captain, one of Lane's followers, 67.
Stephens, Governor of North Carolina, 334.
Stith, William, the historian, character of his work, 101, *note*, 181.
Stone, William, Governor of Maryland, 303; his opposition to the Puritans, 307.
Stourton, Erasmus, a Puritan minister, his attack on Lord Baltimore, 278.
Strachey, William, his writings, 128, *note*; 132, *note*.
Stukeley, Thomas, his birth and character, 42; his scheme for settling Florida, 43.
Susquehannock Indians, 123, 244, 301.

TALBOT, Colonel, murders Rousby, 318.
Thimagoa Indians, 92.
Thorne, Robert, 28; his writings, 29.
Thorpe, George, murdered by the Indians, 168.
Tobacco, over-cultivation of, in Virginia, 154, 190, 192, 234, 258; used as currency, 162, 193, 393; disputes about, between the Company and James I., 166, 174; special legislation about, 194; riotous destruction of, 261.
Tomocomo, an Indian, comes to England, 153.
Trott, Nicholas, 366; attack upon, 377.
Tuscarora Indians, war with North Carolina, 347.

VERRAZANI, the navigator, 84.
Villegagnon, his colony in Brazil, 88.
Virginia, discovery of, 57; Raleigh's first colony in, 59; his second colony, 69; patent for, granted by James I., 109; expedition of 1607, 114; distress of the colony, 130, 137; Penal Code, 138; improved condition under Dale and Gates, 141; enlargement of the patent, 141; misgovernment by Argall, 156; first Assembly held, 158; massacre, 167; physical character of the country, 186; social and industrial condition, 187, 201, 231, 392; condition under Wyatt and Yeardley, 190; rebellion against Harvey, 195 *et seq.*; increase of population, 201; second Indian massacre, 209; state of parties, 212; Puritan immigrants, 215; summary of the Constitution, 215–20; surrender to Parliament, 222; under the Commonwealth, 223; Restoration in, 227; attacked by the Dutch, 235; political condition, 237; the Long Assembly, 237; grants by Charles II., 238; Bacon's rebellion, 245 *et seq.*; commissioners sent out, 255; state of the Church in, 268; establishment of a college, 271 *et seq.*
Virginia Company first constituted, 108; its prospects, 125; charter of 1609, 126; unsatisfactory state, 136, 141; debate upon, in Parliament, 150; change of policy, 158; improved condition, 162, 167; missionary schemes, 163; intrigues against, 164, 170, 172, 175; disputes with the king, 166, 172; supported by the colonists, 178; the charter resumed under a *quo warranto*, 180; history of the archives, 181; attempts to restore the Company, 188, 199.

WANCHESE, an Indian, comes to England, 59; buried at Bideford, 72.
Warwick Earl of, befriends Argall, 157, 158; hostile to the Virginia Company, 164, 177; appointed Chief Commissioner for the colonies, 221.
West, Francis, a leading Virginian, 189.
— Joseph, Governor of South Carolina, 352, 356, 360.
Westoe Indians in South Carolina, 360.
White, John, Governor of Raleigh's second colony, 69; returns to England, 71; sails for Virginia in 1588, 72; in 1590, 73; buys a share in Raleigh's territory, *ib.*
William III., assumes the government of Maryland, 321.
William and Mary, College of, in Virginia, 270.

WIL.

Willoughby, Sir Hugh, his voyage to Russia, and death, 38.
Wingfield, Edward Maria, President of the first settlement in Virginia, 117; his character, *ib.*; deposed by the colonists, 119.
Wingina, or Pemissapan, an Indian chief, 63.
Woodward, Dr., Shaftesbury's agent in South Carolina, 352, 361.
Wrote, a member of the Virginia Company, 175.
Wyatt, Sir Francis, Governor of Virginia, 189, 207.

YAMASSEE Indians, war with, in South Carolina, 373.

ZEN.

Yeamans, Sir John, heads a body of emigrants from Barbadoes to Cape Fear, 351; becomes Governor of the settlement at Charlestown, 355; his death, *ib.*
Yeardley, George, Deputy-Governor of Virginia, 154; appointed Governor and knighted, 157; Lord Warwick's intrigues against, 165; reappointed Governor, 190; dies, 191.
Young, Captain, sent by Charles I. to Virginia, 197.

ZENO, the voyage of, 18, *note.*

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

DATE DUE

DE 16 55
OC 5 '56
JUL 10 '57
JUL 20 '57
SEP 26 '62
JUL 13 1965
OCT 5 1965
MAY 22 1981
FEB 6 1990

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

43634
DOMINICAN COLLEGE LIBRARY
E188 .D76 v.1
Doyle, John/English [colonies] in Americ
3 3645 00087517 2

E188 .D69 1889
vol.1
Doyle, John Andrew,
1844-1907.
English [colonies] in
America ...

43634

Dominican College Library
San Rafael, California